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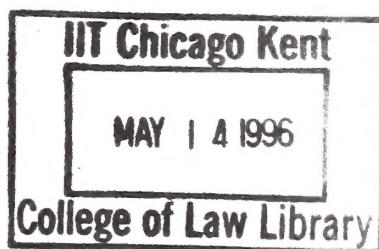
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Secretary of State

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Marriage and Family Therapy Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1283

3) Section Numbers: 1283.110
Proposed Action: New Section

4) Statutory Authority: Section 45 of the Marriage and Family Therapy Licensing Act [225 ILCS 55/45]

5) A Complete Description of the Subjects and Issues Involved: Section 45 of the Marriage and Family Therapy Licensing Act requires persons licensed under the Act to complete continuing education (CE) under requirements set forth in rules of the Department of Professional Regulation. This rulemaking sets forth those continuing education requirements.

Beginning in 1999, any person applying for renewal of a license as a marriage and family therapist will be required to complete 30 hours of continuing education during the 24 months prior to renewal. License renewal time for this profession is February 28 of odd-numbered years.

The proposed rules outline how approved continuing education can be obtained, list requirements for CE sponsors and program approval, and tell under what circumstances the Department will waive CE requirements.

By statute, there is a \$500 application fee for CE sponsors. State agencies, State colleges and State universities in Illinois are exempt from paying this fee.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jean A. Courtney
Department of Professional Regulation
320 West Washington, 3rd Floor
Springfield, IL 62786

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

217/785-0800 Fax #217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those employing licensed marriage and family therapists and those providing continuing education programs for this profession.

B) Reporting, bookkeeping or other procedures required for compliance: It shall be the responsibility of a sponsor to provide each participant in a CE program with a certificate of attendance or participation. The sponsor shall maintain attendance records for at least five years.

C) Types of professional skills necessary for compliance: Skills as a marriage and family therapist are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS
 PART 1283
 MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section	
1283.10	Application for a Temporary License Under Section 50 of the Act
1283.20	Experience and Clinical Supervision
1283.30	Education
1283.40	Examination
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 1283.110 Continuing Education**a) Continuing Education Hours Requirements**

- 1) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete 30 hours of continuing education (CE) relevant to the practice of marriage and family therapy.
- 2) A prerenewal period is the 24 months preceding February 28 of each odd-numbered year.
- 3) One CE hour shall equal one clock hour.
- 4) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.
- 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 6) Marriage and family therapists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in the Section.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

b) Approved Continuing Education

- 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsection (b)(2), (3) and (4) below.
 - 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of marriage and family therapy related courses that are a part of the curriculum of a college, universities or graduate school of marriage and family therapy.
 - 3) CE credit may be earned for verified teaching in a college, university or graduate school of marriage and family therapy approved in accordance with Section 1283.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations).
 - 4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with marriage and family therapy may be claimed as 5 hours of credit. A presentation must be before a professional audience of marriage and family therapists. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs**
- 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation or any other group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.
 - 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:
 - A) Certificate:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section.
 - ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below.
 - iii) That upon request by the Department, the sponsor shall

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

iv) That each sponsor shall submit to the Department written notice of program offerings 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;

B) A copy of a sample program with faculty, course materials and syllabi.

3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of marriage and family therapy;

B) Foster the enhancement of general or specialized work in the practice of marriage and family therapy;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used; and

E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.

4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.

6) All programs given by approved sponsors shall be open to all marriage and family therapists and not be limited to members of a single organization or group.

7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

8) To maintain approval as a sponsor, each sponsor shall submit to the Department by February of each odd-numbered year a renewal application, the fee required in Section 55(n) of the Act and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

9) Certification of Attendance. It shall be the responsibility of a

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

A) The name, address and license number of the sponsor;

B) The name address of the participant;

C) A brief statement of the subject matter;

D) The number of hours attended in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

10) The sponsor shall maintain attendance records for not less than 5 years.

11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

12) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of the sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.

13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions. If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, within 90 days after completion of the CE program and prior to expiration of the license. The Board shall review and recommend approval or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 55(e) and (f) of the Act.

g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable renewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the pre-renewal period;
- B) An incapacitating illness documented by a statement from a currently licensed physician;
- C) A physical inability to travel to the site of approved programs documented by a currently licensed physician; and
- D) Any other similar extenuating circumstance.

- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in a good standing until the final decision on the application is made by the Department.

(Source: Added at 20 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Numbers: 1010.458
Proposed Action: New
- 4) Statutory Authority: 625 ILCS 5/2-104(h) and 625 ILCS 5/3-629 as amended by P.A. 89-424, effective July 1, 1996.

- 5) A Complete Description of the Subjects and Issues Involved: Stipulations and guidelines for distribution of collegiate license plates.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Carol Sudman
Assistant Counsel
Secretary of State's Office
298 Howlett
Springfield, IL 62756
(217) 785-3094

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not believe this proposed rulemaking will affect any types of small business and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Rule begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner--Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section
1010.110 Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate--Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification

SUBPART C: REGISTRATION

Section
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration-Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section
1010.410 Temporary Registration--Individual Transactions
1010.420 Temporary Permit Pending Registration in Illinois
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks

Title and Registration of Vehicles with Permanently Mounted Equipment
1010.440 Special Plates
1010.450 Purple Heart License Plates
1010.451 Special Event License Plates
1010.452 Retired Armed Forces Licenses Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

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1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

1010.740 Trip and Short-term Permits
 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)

1010.755 Mileage Tax Plates
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
 1010.760 Transfer for "For-Hire" Loads
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. _____, effective _____.

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.458 Collegiate License Plates

a) For purposes of this Section, the following definitions shall apply:
 "College" or "University" - any accredited not-for-profit institution of higher learning, public or private, located in the State of Illinois, as specified in Section 10 of the Illinois Higher Education Student Assistance Act [110 ILCS 947/10].

"First Division vehicles" - motor vehicles which are designed for carrying of not more than ten (10) persons as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"Second Division vehicles" - motor vehicles which are designed for carrying more than ten (10) persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo, or implements of husbandry, and those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"State College and University Trust Fund" - a special fund created in the State Treasury. Monies collected are to be distributed to each public university or college in proportion to the number of plates sold in regard to that university or college. These monies are to be distributed to the college or university for the sole purpose of scholarship grant awards.

"University Grant Fund" - a special fund created in the State Treasury. Monies collected are to be appropriated to the Illinois Student Assistance Commission for grant awards.

b) Any college or university wishing to participate in the Collegiate license plate program shall submit a written request to the Secretary of State. The request must originate from the Chief Executive of that institution.

c) The college or university must guarantee a minimum order quantity of 1700 sets of license plates.

d) Plate design shall consist of a background color (white) with a limit or two (2) additional colors for depicting the school logo. All plate designs must be approved by the Secretary of State.

1) Any school's logo having a copyright attached must submit written permission from the copyright holder prior to final approval of the plate design.

2) Upon final approval of the plate design, the Secretary of State shall have a minimum of 180 days to prepare and begin issuance of that college or university license plate.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- e) Any resident of the State of Illinois may purchase Collegiate license plates in accordance with Section 3-629 of the Illinois Vehicle Code [625 ILCS 5/3-629]. These special registration plates shall only be issued for first division vehicles and second division vehicles weighing eight thousand (8,000) pounds or less.
- f) An applicant wishing to obtain Collegiate plates shall complete an application as prescribed by the Secretary. In accordance with Section 3-629 of the Illinois Vehicle Code [625 ILCS 5/3-629], applicants shall also submit an original issuance fee of \$40 plus the statutory annual registration fee as specified in Section 3-806 of the Illinois Vehicle Code [625 ILCS 5/3-806]. An additional \$27 fee is applicable at each renewal.
- g) Of the \$40 fee, \$25 is deposited into the State College and University Trust Fund or the University Grant Fund whichever is appropriate, \$15 is deposited into the Secretary of State Special License Plate Fund as outlined in Section 2-119(1) of the Illinois Vehicle Code [625 ILCS 5/2-119(1)].
- h) In order to obtain Collegiate license plates:
- 1) if the present Illinois plates expire within sixty (60) days, upon receipt of the preprinted renewal application, the applicant shall submit the renewal application, the original issuance fee of \$40 as cited in subsection (f) of this Section, and the registration fee as specified in Section 3-806 of the Illinois Vehicle Code [625 ILCS 5/3-806].
 - 2) if the present plates do not expire within sixty (60) days, the applicant shall submit the appropriate completed application with a copy of his/her current registration identification card. The applicant shall also pay a reclassification fee as provided in Section 5/3-802 of the Illinois Vehicle Code [625 ILCS 5/3-802] plus the additional \$40 fee as provided in subsection (f) of this Section.
- i) Applications are available from, and should be submitted to:
- Office of the Secretary of State
Non-Standard Plates Section
Michael J. Howlett Building
Springfield, IL 62756

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

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- 1) Heading of the Part: Administrative Hearings and Appeals
- 2) Code Citation: 56 Ill. Adm. Code 2725
- 3) Section Numbers: Adopted Action:
 2725.100 Amended
 2725.105 Amended
 2725.110 Amended
 2725.120 Amended
 2725.200 Amended
- 4) Statutory Authority: 820 ILCS 405/701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2203, 2305.
- 5) Effective Date of Rulemaking: April 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 26, 1996
- 9) Notice of Proposal Published in Illinois Register: August 4, 1995, at 19 Ill. Reg. 11282
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In lines 369, 375, 379 and 385 strike the semicolon and add a colon. In line 473, add "56" before "Ill." In line 111, add "1" to 56 Ill. Adm. Code 2720.30 to read "56 Ill. Adm. Code 2720.130".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments to Part 2725 announce changes in Sections 2725.100, 2725.105 and 2725.120 which delete references which became obsolete when the Legislature amended the UI Act to change Illinois from a benefit wage ratio experience rating system to a benefit ration system, eliminate base period employer charging and change calculation of rates from wages on which contributions were paid to taxable wages. Changes in Section 2725.110 and 2725.200 clarify that no hearing is necessary with the employing unit's protest. They also clarify, that, where an employing unit has filed an insufficient or

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apparently untimely protest, the employing unit has the opportunity to cure the insufficiency or explain why the protest is timely. Technical changes are also made in that "employer" is changed to "employing unit" to conform to the language of Section 2200 of the Act, and the term "Determination and Assessment" is capitalized.

16) Information and questions regarding these adopted amendments shall be directed to:

Lois S. Feinberg
Illinois Department of Employment Security
401 South State Street 2 South
Chicago, IL 60605
(312) 793-4240

The full text of the Adopted Amendment begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2725

ADMINISTRATIVE HEARINGS AND APPEALS

SUBPART A: GENERAL PROVISIONS

Section	
2725.1	Definitions
2725.3	Burden Of Proof
2725.5	Designation Of Agents
2725.10	Computation Of Time
2725.15	Disqualification Of Agency Employee
2725.20	Request For Clarification
2725.25	Form Of Papers Filed

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

Section	
2725.100	Application For Revision Of Statement Of Benefit--Wages--Or-Of Statement-Of Benefit Charges
2725.105	Application For Review Of Rate Determination
2725.110	Protest Of Determination And Assessment
2725.115	Claim For Adjustments (Credits) And Refunds
2725.120	Application for Cancellation Of Benefit--Wages--Or Benefit Charges Due To Lack Of Notice

SUBPART C: APPEALS TO DIRECTOR'S REPRESENTATIVE

Section	
2725.200	Filing Of Appeal
2725.205	Pre-Hearing Conference
2725.210	Notice Of Hearing
2725.215	Preparation For The Hearing
2725.220	Telephone Hearings
2725.225	Ex Parte (One Party Only) Communications
2725.230	Subpoenas
2725.232	Depositions
2725.235	Consolidation Or Severance Of Proceedings
2725.237	Adding Necessary Parties
2725.240	Withdrawal Of Petition For Hearing
2725.245	Continuances
2725.250	Conduct Of Hearing
2725.255	Rules Of Evidence
2725.260	Oral Argument-Memoranda-Post Hearing Documents
2725.265	The Record

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2725.270 Recommended Decision
 2725.275 Objections To Recommended Decision
 2725.280 Decision Of Director

AUTHORITY: Implementing and authorized by Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2301, 2302, 2304, and 2305.1.
 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2301, 2302, 2304, and 2305.1.
 2300, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act [820 ILCS 405/701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2301, 2302, 2304, and 2305.1].

SOURCE: Adopted at 11 Ill. Reg. 11065, effective July 1, 1987; amended at 12 Ill. Reg. 14653, effective September 6, 1988; amended at 12 Ill. Reg. 16060, effective September 23, 1988; emergency amendments at 13 Ill. Reg. 11872, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17383, effective October 30, 1989; amended at 14 Ill. Reg. 5126, effective March 22, 1990; amended at 16 Ill. Reg. 113, effective December 23, 1991; amended at 16 Ill. Reg. 2122, effective January 27, 1992; emergency amendment at 16 Ill. Reg. 7502, effective April 22, 1992, for a maximum of 150 days; emergency expired on September 19, 1992; amended at 20 Ill. Reg. 6378, effective APR 29 1996.

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

Section 2725.100 Application For Revision Of Statement Of Benefit-Wages-Or-Of Statement-Of Benefit Charges

a) Applications for Revision of the Statement of Benefit-Wages-Or-Of the Statement-Of Benefit Charges must be filed at the address specified on such Statement, within 45 days of the mailing of such Statement, as provided in Section 1508 of the Act.

b) An Application shall set forth: the name and Social Security account number of each claimant whose benefit-wages-or benefit charges are contested; the amount of benefit-wages-or benefit charges contested or the weeks of benefit-wages-or benefit charges contested; the year and quarter of the Statement contested; and, in the some cases described in subsections (b)(1), (2) and (3) below (see subsection (f) below), a statement of facts providing the basis for relief upon which the employer relies in its Application.

It is the employer's charge to prove that the benefit-wages-and-did-not-receive notice-of-the-claim-despite-the-Agency's-record-of-the-mailing date-of-a-Notice-of-Pending-to-a-Base-Pending-Employer-(BIS-305) shown-on-the-Statement-of-Benefit-Wages-(Ben-118)-the-employer must-allege-the-fact-and-at-a-hearing-must-prove-back-of notice-and-must-show-the-reasons-why-the-payment-of-benefits-to the-claimant-for-the-weeks-charged-or-the-charging-of-benefit wages-to-the-employer-is-improper.

A) If an employer was served with a Notice of Pending or Reconsidered Pending (BIS-305) pursuant to Section 701 or

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703--of--the--Act--the--employer--may--not--object--to--the--benefit wages--on--the--basis--that--the--employer--was--not--an--employee during--the--base--period--of--the--claimant--that--the--claimant was--not--performing--services--in--employment--for--the--employer or--that--the--wages--as--shown--on--such--finding--are--incorrect. If--an--employer--was--served--with--a--Notice--of--Pending (BIS-305)--the--employer--is--remedy--for--relief--of--the--benefit wages--is--an--appeal--of--the--finding--pursuant--to--Section--800--of the--Act--or--a--request--for--reconsideration--of--the--finding pursuant--to--Section--703--of--the--Act--with--the--Claims Adjudicator--at--the--local--office--where--the--claimant--filed--for benefits.

E) If the finding is subsequently modified or reversed, the benefit wages will be modified or cancelled, as appropriate through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).

1) If an employer alleges that the benefit wages or benefit charges arose from the payment of benefits to a claimant for weeks of eligibility to which the employer was entitled to notice of a determination pursuant to Sections 702 or 703 of the Act, and was not notified of such determination of eligibility and the claimant was improperly paid benefits, the employer must show that it filed in response to notice of the claim, a timely (see 56 Ill. Adm. Code 2720.130 2720.38) Notice of Possible Ineligibility or letter in lieu thereof alleging that the claimant was ineligible for benefits for the weeks charged and did not receive a determination of eligibility or decision holding the Notice of Possible Ineligibility or letter in lieu thereof as insufficient or untimely.

A) A copy of the allegedly unanswered Notice of Possible Ineligibility or letter in lieu thereof should, if possible, be included with the Application, together with any subsequent documentation where applicable, such as a Referee or Board of Review decision holding the Notice of Possible Ineligibility as sufficient.

B) If the employer did not file a timely and sufficient Notice of Possible Ineligibility or letter in lieu thereof (pursuant to 56 Ill. Adm. Code 2720.130) in response to the notice of claim or if a determination of eligibility was served upon the employer, the employer's remedy is to request a reconsidered determination from the local office Claims Adjudicator where the claimant filed for benefits, pursuant to Section 703 of the Act, or if a determination of eligibility was served upon the employer, its remedy is to file an appeal to the determination under Section 800 of the Act.

C) If the determination of eligibility for the weeks charged is reversed, the employer will receive appropriate relief from

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the benefit--wages--or--from--the benefit charges through the operation of Section 706 of the Act.

2) If the employer is charged for benefits and claims that it was not sent a notice that a claim was filed, the employer must allege this fact and, at a hearing, must prove lack of notice and must show the reasons why the payment of benefits to the claimant for the weeks charged is improper.

A) If an employer was served with a notice that a claim was filed, the employer's remedy for relief of the benefit charges is its protest of the claimant's eligibility pursuant to Section 800 of the Act or a request for reconsideration of a determination pursuant to Section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.

B) If the determination is subsequently modified or reversed, the benefit charges will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).

3) When the employer alleges that a clerical error was made by the Agency, the nature of the clerical error and its effect on the benefit--wages--or benefit charges must be clearly stated. A copy of the material bearing the error must accompany the Application.

4) Where the employer alleges that the benefit--wages--are non-chargeable--because--part-time--work--provided--by--the--employer during--the--claimant's--base--period--was--continued--into--the applicable--benefit--year--pursuant--to--Section--1501P--of--the--Act there--must--be--a--specific--allegation--that--the--employer--provided during--the--applicable--benefit--year--substantially--the--same part-time--work--as--he--did--during--the--base--period--of--the--claimant in--determining--whether--the--part-time--work--is--substantially the same--as--provided--in--the--base--period--consideration--shall--be--given to--the--number--of--hours--worked--and--the--amount--of--wages--earned the employer--must--furnish--information--to--support--the--allegations which--may--include--a--record--of--earnings--and--working--hours--in--each calendar--week--following--the--initial--claim--during--the--period covered--by--the--Statement--of--Benefit--Wages--(Ben-110)--and--an equivalent--record--showing--that--earnings--and--working--hours--are--on the--same--basis--and--substantially--the--same--amount--as--during--the base--period--of--the--claimant--while--performing--services--for--the employer.

c) An Application which fails to meet the criteria in subsection (b)(1) thru (3) (4) shall be ruled insufficient and the Director shall serve notice of such ruling and the basis therefor upon the employer. The ruling shall be final and conclusive unless the employer files, within 20 days of the date of mailing of the ruling, a written objection or a revised Application for Revision of the Statement of Benefit--Wages--or Statement--of Benefit Charges, specifically responding to the reasons the original Application was ruled insufficient. The written

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objection or revised Application shall be reviewed and, if sufficient, an order issued. An employer disagreeing with such order may appeal to a Director's Representative under Subpart C of this Part if such appeal is taken within 20 days of the date of mailing of the order. If the written objection or revised Application is still found to be insufficient, it shall again be ruled insufficient, and such ruling shall be final and subject to review under the State's Administrative Review Law (111 Rev. Stat. 1987 ch. 110, pars. 3-110 et seq.) [735 ILCS 5].

1) Where an employer alleges that benefit wages should have been transferred from such employer's account to the next subsequent employer pursuant to Section 1501P of the Act, reference must be made to and a copy furnished of the Notice of Claims Adjudicator's Decision (Ben-135) or the Director's Decision which is the basis for the requested transfer.

A) No transfer of benefit wages may be initiated through an Application for Revision of Statement of Benefit Wages but must be requested from the Claims Adjudicator at the local office where the claim was filed.

B) If an employer has previously submitted a request for transfer of benefit wages with the local office, it should resubmit the request with proof of filing the original request.

1) Where an employer alleges that a claimant was not an unemployed individual under Section 239 of the Act during a period when such claimant was paid benefits, no relief shall be available under Section 1508 of the Act, but the matter shall be referred to the local office where the claimant last filed a claim for benefits for investigation to which such employer shall be a party. If the claimant is determined ineligible, appropriate relief will be granted to such employer under Section 706 of the Act.

2) Where an employer alleges that his Statement of Benefit Charges is incorrect because it is not the chargeable employer pursuant to Section 1502.1 of the Act, such Application must contain a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the chargeable employer. Unless the employer has filed a timely request for reconsideration to the decision that the claims adjudicator has found it to be the chargeable employer, pursuant to 56 Ill. Adm. Code 2765.325, or 2765.326 or 2765.329, such employer shall not be entitled to a revision of its "Statement of Benefit Charges".

d) Upon receipt of a sufficient Application, the Application shall be ordered allowed or denied in whole or in part and notice of such order stating the basis therefor shall be mailed to the employer. Such application will be allowed in part and denied in part where the employer has contested multiple benefit wages or benefit charges but has made sufficient allegations on some but not all. Such order shall become final and conclusive at the expiration of 20 days from the date

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of mailing of such order, unless the employer shall have filed a petition specifying its objections thereto.

e) Where the allegation in the Application is lack of notice of a determination or reconsidered determination and the ineligibility of the claimant for a specific reason, such employer shall be sent either a copy of the original determination or reconsidered determination, as may be applicable, and if the allegation of lack of notice proves to be true, the period for filing a timely appeal under Section 800 of the Act and 56 Ill. Adm. Code 2720, Subpart C shall begin from the date of mailing of the copy of the determination or reconsidered determination.

(Source: Amended at 20 Ill. Reg. _____, effective _____, APR 29 1988)

6378

Section 2725.105 Application For Review Of Rate Determination

a) An Application for Review of Rate Determination must be filed at the address on the Notice of Contribution Rate Determination within 15 days of the mailing of the Notice of Contribution Rate Determination to the employer.

b) A sufficient Application shall set forth the following:

1) If the rate determination is based in whole or in part on erroneous benefit-wages-or-erroneous benefit charges, the Application must allege:

A) The employer was not served with a Statement of Benefit Wages-or-a-Statement-of Benefit Charges containing the benefit-wages-or benefit charges used in the calculation of the employer's contribution rate; or

B) The employer has received an order or decision allowing an adjustment of the benefit-wages-or-an-adjustment-of-the benefit charges used in calculating the employer's contribution rate. A copy of such order or decision must be attached to the application.

2) If a determination or decision allowing the payment of benefits has finally been reversed or modified and the benefit-wages-or benefit charges resulting from such benefit payment were not revised in accordance with the provisions of Section 706 of the Act, the employer shall provide a copy of such final reconsidered finding, reconsidered determination or decision.

3) If the employer has not been credited with payment-of-the-full amount-of-contributions-paid-to-the-Director-in-accordance-with Section-1503-of-the-Act, the employer shall state-the-exact amount-of-contributions-and-the-date-such-contributions-were paid-the-calendar-quarter-to-which-the-payment-relates-and/or the-exact-amount-of-wages-for-insured-work-for-which contributions-were-paid-to-the-Director.

4) If the employer alleges-that-its-payment-of-contributions,

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interest-or-penalties-was-not-applied-in-accordance-with-56-III-Adm-Code-2765-45, it must provide evidence-of-its-request-for specific-application-of-the-payment.

BRAMPB:--An employer--tendered-a-payment-of-\$100.00-which the-Agency-applied-to-the-earliest-unpaid-quarter-of-the employer---if-the-employer-alleges-that-this-payment-should have-been-applied-to-a-different-quarter, it-shall-provide evidence-that-at-the-time-the-payment-was-tendered, it indicated-the-time-period-to-which-the-payment-was-to-apply.

35) If the Agency has made a mathematical error, the employer shall provide a detailed, clear statement showing the correct calculations.

46) If the employer alleges that the provisions of Section 1507 of the Act have been erroneously applied, the employer must show that it complied with 56 Ill. Adm. Code 2760.105(b), if applicable, and shall provide a statement of whether the employer has succeeded to substantially all or to a distinct severable portion of the employing enterprises of a predecessor, or whether a successor has succeeded to substantially all or a distinct severable portion of the employer's employing enterprises, and the factual basis for such statements.

57) If the employer alleges an incorrect Standard Industrial Classification code, a statement of the employer's primary activity and the factual basis for such statement.

68) If the employer alleges that it has not been credited with the full amount of wages for insured work subject to the payment of contributions that it reported, it shall state the exact amount of such wages and the quarters for which such wages were reported and shall provide a copy of its "Employer's Contribution and Wage Report" (see 56 Ill. Adm. Code 2760.25) and any forms, Social Security Number Correction and Name Change Notice, used to report additional wages for the same quarters (see 56 Ill. Adm. Code 2760.145).

c) An Application which does not specify the factual basis for relief sought, or does not contain the information required by the applicable Section of this Part, shall be ruled insufficient. The ruling shall be final and conclusive unless the employer files, within 10 days of the date of mailing of such ruling, a written objection or revised Application, specifically responding to the reasons the original Application was ruled insufficient. The written objection or revised Application shall be reviewed and an order allowing or denying relief issued.

d) If the Application is sufficient, the Agency shall investigate the allegations in the Application based on agency records and any documents supplied by the employer. The Agency shall issue a written order with reasons denying the Application or allowing the Application in whole or in part.

e) An employer disagreeing with the order may appeal to a Director's

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Representative under Subpart C of this Part.

- f) If the basis for review of the rate determination is a pending ~~benefit~~ ~~wage-or~~ benefit charge matter, such matter is not a basis for relief under this Section, but rather the employer's remedy is pursuant to Section 1508 of the Act and Section 2725.100 of this Part. If the ~~benefit-wages-or~~ benefit charges are modified or cancelled, as appropriate, through the operation of Section 2725.100 of this Part, appropriate relief will be granted through the operation of Sections 1508 and 1509 of the Act.

EXAMPLE: While review of a ~~benefit--wage-or-a~~ benefit charge matter is pending, the employer receives a Notice of Contribution Rate Determination based on the contested ~~benefit--wages-or~~ benefit charges. This employer's pending Application for Revision of Statement of ~~Benefit--Wages-or--Statement--of~~ Benefit Charges shall be deemed to be an Application for Review of that portion of its rate based on the contested Statement. If such employer prevails on the Application for Review of ~~Benefit--Wages~~ or Statement of Benefit Charges, its ~~benefit--wage--or~~ benefit ratio shall be modified accordingly and, if this results in a change to its rate, a revised Notice of Contribution Rate Determination will be issued.

(Source: Amended at 20 Ill. Reg. 6378, effective APR 29 1996)

Section 2725.110 Protest Of Determination And Assessment

- a) A Protest of a Determination and Assessment must be filed in the form of a Petition at the address shown on the Determination and Assessment within 20 days of service.
- b) A sufficient Petition shall set forth the specific part of the Determination and Assessment with which the employing unit disagrees and the specific legal and factual basis for the disagreement and, in the specific situations described in this subsection (b), will state the following:
- 1) If the employing unit employer alleges that it has paid all or part of the amount assessed;⁷ the exact amount of the contributions, penalties and interest paid, if any, the date[s] paid and the quarter[s] to which the payment[s] relate[s]; or-
 - 2) If the employing unit employer alleges that the Determination ~~determination~~ and ~~Assessment~~ assessment is erroneous because of clerical error;⁷ the specific nature of the clerical error; or-
 - 3) If the employing unit employer claims one or more persons whose wages are the basis of the Determination ~~determination~~ and ~~Assessment~~ assessment were not in employment;⁷ the names, addresses⁷ and Social Security account numbers of such persons, the nature of the services performed, if any, and the reasons the person or persons are ~~is~~ not considered in employment;⁷ or-

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- 4) If the employing unit employer alleges that it is not an employer subject to the Act;⁷ the reasons for that allegation and supporting facts.
- c) An employing unit which files a Petition that does not contain the information required by subsection (b) shall be notified of the insufficiency and given 20 days from the date of mailing of such notice to revise the Petition or file objections to the notice. If, within the 20 day period, a revised Petition or objections responding to the notice are filed and the Petition or revised Petition is still determined to be insufficient, the revised Petition or original Petition and objections, as the case may be, shall be adjudicated under Subpart C of this Part. If, within the 20 day period, no further documents are filed, the Petition shall be ruled insufficient and such ruling, notice of which shall be provided to the employing unit, shall be final and subject to review under the State's Administrative Review Law [735 ILCS 5/Art. III].
- d) An employing unit which files a Petition, but not within the time prescribed, shall be notified of its untimeliness and given 20 days from the date of mailing of such notice to submit further information or objections to the notice of untimeliness. If, within the 20 day period, such information or objections are filed but do not sufficiently respond to the notice of untimeliness, the Petition shall be adjudicated under Subpart C. If, within the 20 day period, no such information or objections are filed, the Petition shall be ruled untimely and such ruling, notice of which shall be provided to the employing unit, shall be final and subject to review under the State's Administrative Review Law [735 ILCS 5/Art. III].
- e) Except as provided in subsection (f), if the Petition is sufficient and timely, the Agency shall investigate the allegations in the Petition based upon Agency records and any documents supplied by the employing unit. If the Agency determines that the Petition should be allowed, the Agency shall cancel the Determination and Assessment by written order. If the Agency determines that the Petition should be allowed in part and denied in part, the Agency shall modify the Determination and Assessment by written order, with reasons for the partial denial. An employing unit disagreeing with the Order to Modify the Determination and Assessment may file a Petition to the Modified Determination and Assessment as provided in subsections (a) and (b). If the Agency determines that the Determination and Assessment should be affirmed, the Petition shall be adjudicated under Subpart C of this Part.
- f) If an employing unit files a timely and sufficient Petition in response to a Modified Determination and Assessment issued under subsection (e) or a Determination and Assessment which is issued as a result of an audit, such Petition shall be adjudicated under Subpart C of this Part.

(Source: Amended at 20 Ill. Reg. 6378 effective

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APR 29 1986

Section 2725.120 Application For Cancellation Of Benefit-Wages-Or Benefit Charges Due To Lack Of Notice

a) An Application for Cancellation of ~~Benefit-Wages--or~~ Benefit Charges due to lack of notice made pursuant to Section 1508.1 of the Act shall be sufficient only if the following requirements are met:

- 1) The employer has also filed a timely and sufficient Application for Revision of Statement of ~~Benefit--Wages--or--Statement--of~~ Benefit Charges, as provided in Section 2725.100; and
- 2) The employer specifically alleges in its Application for Cancellation of ~~Benefit-Wages-or~~ Benefit Charges that the Agency did not issue one or more of the following Notices within the required time period:

- A) A "Notice to Last Employer, Last Employing Unit or Other Interested Party," (See 56 Ill. Adm. Code 2720.130(a)(1)) within 180 days after of the date of the initial Finding; or
- B) A "Notice of Determination" (BEN-134) (See 56 Ill. Adm. Code 2720.140(a)) under Section 702 of the Act within 180 days after of the employer's timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof (see 56 Ill. Adm. Code 2720.130), or, in the case of a remanded Decision regarding the sufficiency of the employer's protest under Section 702 of the Act, within 180 days after of the remanded Decision; or
- C) In the case of a "Notice of Determination" (BEN-134) issued under Section 702 of the Act, in which an issue was not adjudicated at the time of the employer's timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof, because of the individual's failure to file a claim for a week of benefits, within 180 days after of the date on which the individual first files a claim for a week of benefits; or
- D) A "Notice of Reconsideration of Findings" or "Notice of Reconsideration of Determination" (BEN-134), within 180 days after of the date of reconsideration; or
- E) A "Notice of Referee's Decision" (See 56 Ill. Adm. Code 2720.270), which allows benefits within 180 days after of the date that the appeal was received by the Agency; or
- F) Under Section 604 of the Act, a "Notice of Director's Decision" within 180 days after of the date of the report and Recommended Decision of the Director's Representative; or
- G) With respect to the notice of a decision that the employer is a chargeable employer, pursuant to 56 Ill. Adm. Code 2765, within 180 days after of the employer's protest or

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appeal of such a decision.

- b) A citation to Section 1508.1 of the Act or this Section of the Rules need not be made in the Application, nor is it necessary to specifically allege the failure of the Agency to act within 180 days.
Example: The employer meets the requirements of subsection (a)(1) and alleges that the Agency failed to respond to its timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof by issuing a "Notice of Determination" (BEN-134). If the Agency finds that the allegations contained in the employer's Application for Cancellation of ~~Benefit--Wages--or~~ Benefit Charges are true, and 180 days have elapsed since the employer's "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof, then the ~~Benefit-wages-or-the~~ benefit charges in question will be cancelled.
- c) The Application for Cancellation of ~~Benefit-Wages-or~~ Benefit Charges can be made a part of an Application for Revision of Statement of ~~Benefit--Wages--or--Statement--of~~ Benefit Charges provided that the requirements of subsection (a)(2) are satisfied.
- d) An Application for Cancellation of ~~Benefit-Wages--or~~ Benefit Charges will be denied if an Application for Revision of Statement of ~~Benefit-Wages-or-Statement-of~~ Benefit Charges regarding the same ~~Benefit-wages-or-the-same~~ benefit charges and based on the same allegation has already been denied.
- e) The cancellation of ~~benefit--wages--or--the-cancellation-of~~ benefit charges will be allowed if it is proven by the employer that:
 - 1) The employer meets the definition of a "party" under 56 Ill. Adm. Code 2720.1; and
 - 2) The Agency failed to issue one or more of the "Notices", as set forth in subsection (a)(2); and
 - 3) The employer has satisfied the requirements of Section 1508 of the Act; and
 - 4) The Agency's actions directly resulted in the payment of benefits to an individual and hence caused ~~the--individual's--wages--to become--Benefit--wages--or~~ benefit charges in accordance with the provisions of Sections 1501, 1501.1, 1502 and 1502.1 of the Act.

For the purposes of this Section, the Agency's actions "directly resulted" in the payment of benefits where the Agency fails to respond to a timely, where required, notice from an employer within the time limits set in subsection (a)(2).

Example 1: The employer files a late appeal to the Referee (after expiration of the 30 day appeal period set forth by Section 800 of the Act). Even if the Agency fails to rule on the employer's appeal within 180 days from the date the appeal is filed, the employer's ~~benefit--wages--or~~ benefit charges will not be cancelled, as the Agency's failure to rule on an issue over which the Referee has no jurisdiction cannot "directly result" in the payment of benefits. This result would be different if the employer proves that its

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appeal was filed in a timely manner.

Example 2: The employer files a timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof to which the Agency makes no response within 180 days. Even if the claimant is found to be eligible for benefits, these benefit wages-or benefit charges will be subject to cancellation if the other requirements of this Section are met.

- f) All of the provisions of Section 1508 of the Act and Section 2725.100 of this Part, applicable to Applications for Revision of Statement-of Benefit-Wages-or Statements of Benefit Charges and not inconsistent with the provisions of Section 1508.1 of the Act and this Section, shall apply to Applications for Cancellation of Benefit-Wages-or Benefit Charges under Section 1508.1 of the Act.

Example: The employer must file its timely Application for Revision of Statement of Benefit-Wages-or-Statement-of Benefit Charges in response to a Statement of Benefit-Wages-or-Statement of Benefit Charges. If any benefit-wages-or benefit charges are allowed by the employer to become final, it cannot later request that the benefit-wages-or benefit charges be cancelled due to its subsequently meeting the requirements of Section 1508.1 of the Act.

- g) All-of-the-provisions-of-the-Act-and-this-Part-applicable-to-Protests and-Petitions-for-Hearings-conducted-pursuant-to-Section-2200-of-the Act-and-not-inconsistent-with-the-provisions-of-Section-1508.1-of-the Act--and--this-Section--shall--be--applicable--to--Applications--for Cancellation-of-Benefit-Wages-or-Benefit-Charges-

(Source: Amended at 20 Ill. Reg. 6378, effective APR 29 1996)

SUBPART C: APPEALS TO DIRECTOR'S REPRESENTATIVE

Section 2725.200 Filing Of Appeal

- a) An employing unit employer may appeal an order or Determination determination and Assessment assessment of the Director by filing a written Petition. The Petition should be filed at the address shown on the order or Determination determination and Assessment assessment being appealed. The Petition must be filed within 20 days after the Director's order or Determination determination and Assessment assessment was served on the employing unit employer, except for orders on Application for review of rate determinations, which must be filed within 10 days of the date of service.
- b) No special form is necessary to file a Petition. However, in addition to the requirements of Section 2725.25, the following must be included:

- 1) The Petition must be in writing, dated and signed by the employing unit petitioner appealing or its agent;

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- 2) The Petition must set forth the specific parts of the order or Determination determination and Assessment assessment with which the employing unit petitioner disagrees and the specific legal and factual basis for that disagreement.

- c) The employing unit petitioner may request a pre-hearing conference.

(Source: Amended at 20 Ill. Reg. 6378, effective APR 29 1996)

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- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2008
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
2008.10	Amended
2008.30	Amended
2008.40	Amended
2008.50	Amended
2008.70	Amended
2008.71	Amended
2008.73	Amended
2008.74	Amended
2008.75	Amended
2008.80	Amended
2008.81	Amended
2008.82	Amended
2008.90	Amended
2008.91	New Section
2008.100	Amended
2008.101	Amended
2008.104	Amended
2008.APPENDIX M	Amended
2008.APPENDIX N	Amended
2008.APPENDIX Q	New Section
- 4) Statutory Authority: Implementing Sections 363 and 363a, and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].
- 5) Effective Date of Amendments: April 28, 1996
- 6) Does this Amendment contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 28, 1996
- 9) Notice of Proposal Published in Illinois Register: December 15, 1995; 19 Ill. Reg. 16430
- 10) Has JCAR issued a Statement of Objections to this Amendment? No
- 11) Difference(s) between proposal and final version:
- a) Section 2008.30(a) - On the last line add ", this Part" following "of this Part".

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- b) Section 2008.30(a)(1) - On the second and third line delete "the effective date" and "of this Part" and add "June 1, 1982" in lieu thereof.
- c) Section 2008.40 - Medicare Supplement Policy - change the brackets to parenthesis in the new language and change "et. seq." to "et seq.".
- d) Section 2008.70 - In the introductory paragraph on the third line delete "the effective date of this Part" and add "June 1, 1982" in lieu thereof.
- e) Section 2008.70(a)(5)(C)(i) - On the last line change "(5)(B)" to "(a)(5)(B)".
- f) Section 2008.71(a)(5) - Delete the semicolon and add a colon following "and".
- g) Section 2008.71(c)(9)(A) - On the third line change "(B)" to "(c)(9)(B)".
- h) Section 2008.71(c)(10)(A)(i) - On the first line delete the comma following "include".
- i) Section 2008.80(b)(3) - On the first line add "on" following "Section,".
- j) Section 2008.80(b)(3) - On the Second line add "which are" following "certificates".
- k) Section 2008.81(d) - On the first line add "(d)" following "subsection".
- l) Section 2008.81(d)(2) - On the third line add "(d)" following "subsection".
- m) Section 2008.81(d)(3) - On the third line delete "this" and add "(d)" following "subsection".
- n) Section 2008.90(e)(1) - On the sixth line of the new text delete the comma following the statutory citation.
- o) Section 2008.90(e)(2) - On the last line delete "or certificate" and add "for the policy or certificate."
- p) Section 2008.91(a) - On the fourth line change "it" to "the policy".
- q) Section 2008.91(a) - On the fifth line change "it" to "the policy". Also on the last line add a comma following "on" and following

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"together".

- r) Section 2008.91(f) and (g) - Change "pre-empt" to "preempt".
- s) Section 2008.100(a)(4) - On the fifth and last line change "of" to "after".
- t) Section 2008.100(a)(5) - On the fourth line change "state" to "State".
- u) Section 2008.APPENDIX M - In the second full paragraph on the third line add a comma following "If". Also, on the fifth line add a comma following "decision".

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: The Social Security Act Amendments of 1994, (P. L. 103-432, effective October 31, 1994) made a number of changes to the federal requirements for Medicare supplement insurance. On December 1, 1994, Acting Director of Insurance James W. Schacht issued a company bulletin to approximately 70 Medicare supplement insurers which addressed the new federal requirements. This company bulletin is summarized as follows:

A. Open Enrollment - see 42 U.S.C. .1395ss(s)

The Omnibus Budget Reconciliation Act of 1990 (OBRA 1990) required the issuance of any Medicare supplement policy approved for use in this state to anyone who is age 65 or older for which an application is submitted within six months of when the applicant first enrolls in Medicare part B. Individuals who qualified for Medicare prior to age 65 and enrolled in Medicare part B prior to age 65 by reason of disability or end stage renal disease were previously not covered by the OBRA 1990 open enrollment because they were not "first" enrolling in Medicare part B at age 65.

P. L. 103-432 does not extend open enrollment to persons under age 65 who are eligible for Medicare due to disability or end stage renal disease, however, it does give these individuals a six-month open enrollment period upon attainment of age 65. Under these provisions, persons are eligible for a six-month open enrollment period as of the first day they are both 65 years of age or older and enrolled in Medicare part B. During the open enrollment period, issuers may not deny or condition the issuance or effectiveness of a Medicare

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supplemental policy, or discriminate in the pricing of the policy because of health status, claims experience, receipt of health care, or medical condition.

Additionally, all Medicare beneficiaries who turned 65 between November 5, 1991, and January 1, 1995, and who were not eligible for the OBRA 1990 open enrollment because they were enrolled in Medicare part B prior to reaching age 65, are given a one-time six-month open enrollment period beginning January 1, 1995. This one-time federal open enrollment period applies to any Medicare beneficiary who had part B coverage prior to age 65 and turned 65 between November 5, 1991, and January 1, 1995.

B. Loss Ratio Provisions - see 42 U.S.C. .1395ss(r)

Under OBRA 1990, any policy issued after November 5, 1991, was required to obtain a 65% loss ratio for individual policies and a 75% loss ratio for group policies and to return to policyholders premium amounts collected in excess of these standards. Compliance with these requirements is verified through an annual filing of a worksheet showing the experience of those policy forms. However, the effective date of the state requirement was not the same as that of the federal requirement. P.L. 103-432 resolves the difference between the federal effective date and the state effective date on refund calculations and also subjects all Medicare supplement policies to the same loss ratio and refund calculation requirements. However, for policies issued prior to the standardization requirements, the requirements for the 65% loss ratio for individual policies and 75% loss ratio for group policies and refund or credit against future premium payments apply only to the experience occurring after the revised standards are promulgated to implement P. L. 103-432.

C. Duplication of Coverage - see 42 U.S.C. .1395ss(d)

With the enactment of OBRA 1990, it has generally been a violation of federal law to sell or issue a health insurance policy to a Medicare beneficiary with knowledge that the policy duplicates health benefits (Medicare, Medicaid, or private health coverage) to which the individual is otherwise entitled. It is also unlawful for a company to sell a duplicate Medicare supplemental policy to a Medicare beneficiary.

The revised federal law continues the prohibition against selling duplicate Medicare supplemental policies. However, policies which duplicate Medicare will be exempt from the prohibition if they pay benefits directly to the beneficiary without regard to other coverage and the application for insurance contains a clear statement disclosing the extent to which the policies duplicate Medicare. The

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NAIC has until January 29, 1995, to develop model disclosure statements and submit them to the Secretary of the U. S. Department of Health and Human Services (Secretary) for approval and publication. Policies issued 60 days after publication and approval of the disclosure language which duplicate Medicare must include the approved disclosure statement on the application.

The current prohibition of sales of Medicare supplemental policies to Medicaid beneficiaries has not changed. However, in addition to the existing exception for situations in which Medicaid pays the premium, the revised federal statute allows the sale of a Medicare supplemental policy to a Qualified Medicare Beneficiary (QMB), as defined in 42 U.S.C. .1396d(p)(1), if the policy provides benefits for prescription drugs. This allows carriers to sell Medicare supplemental standard plans H, I and J to QMBs. QMBs are persons at or below the federal poverty level who also meet certain other resource limits. Additionally, companies may sell a Medicare supplemental policy to a Specified Low-Income Medicare Beneficiary (SLMB). SLMBs are persons at or below 120% of the federal poverty level meeting certain resource limits. Medicaid pays only the part B premium for SLMBs and covers none of the other cost sharing amounts under Medicare.

D. Agent Compensation - see Section 171(m)(2) of P. L. 103-432

Currently, issuers are prohibited from paying first year commissions in replacement situations unless the benefits are clearly and substantially better than the benefits of the policy being replaced. P. L. 103-432 deletes this exception and prohibits first year commissions on all replacement policies. This change takes effect April 28, 1996.

E. Medicare Select - see Section 172 of P. L. 103-432

The Medicare select demonstration project has expanded to 50 states and the U. S. territories and will continue at least until June 30, 1998.

F. Mailing of Policies - see 42 U.S.C. .1395ss(d)(4)

OBRA 1990 prohibited issuers from mailing a duplicate copy of a Medicare supplement policy to a policyholder unless the policy had been approved in the state in which the policyholder permanently resides or the policy would terminate within 12 months of being mailed. This affected persons who had misplaced their policy or certificate and had moved to a state where it had not been filed.

P. L. 103-432 permits mailing a duplicate policy which has not been filed in the policyholder's home state under any of the following

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circumstances:

- (1) The policy is guaranteed renewable;
- (2) It is a conversion to individual coverage required because the master group policy terminated or the certificate holder has left the group;
- (3) A whole group policy is being replaced;
- (4) The individual is reinstating coverage which was suspended during a period of Medicaid eligibility.

16) Information and questions regarding this adopted Amendment shall be directed to:

Linda Smith
Department of Insurance
320 West Washington
Springfield, IL 62767-0001
(217) 785-7350

The full text of the Adopted Amendment begins on the next page:

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TITLE 50: INSURANCE
 CHAPTER 1: DEPARTMENT OF INSURANCE
 SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2008
 MINIMUM STANDARDS FOR INDIVIDUAL
 AND GROUP MEDICARE SUPPLEMENT INSURANCE

Section	Authority
2008.10	Purpose
2008.20	Applicability and Scope
2008.30	Definitions
2008.40	Policy Definitions and Terms
2008.50	Policy Provisions
2008.60	Benefit Conversion Requirements During Transition (Repealed)
2008.70	Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part
2008.71	Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part
2008.72	Standard Medicare Supplement Benefit Plans
2008.73	Medicare Select Policies and Certificates
2008.74	Open Enrollment
2008.75	Standards for Claims Payment
2008.80	Loss Ratio Standards and Refund or Credit of Premium
2008.81	Filing and Approval of Policies and Certificates and Premium Rates
2008.82	Permitted Compensation Arrangements
2008.90	Required Disclosure Provisions
2008.91	Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare
2008.100	Requirements for Application Forms and Replacement Coverage
2008.101	Standards for Marketing
2008.102	Appropriateness of Recommended Purchase and Excessive Insurance
2008.103	Reporting of Multiple Policies
2008.104	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.110	Severability
2008.120	Effective Date (Repealed)
APPENDIX A	Policy Checklist
APPENDIX B	Outline of Medicare Supplement Coverage-Cover Page
APPENDIX C	Plan A
APPENDIX D	Plan B
APPENDIX E	Plan C
APPENDIX F	Plan D
APPENDIX G	Plan E
APPENDIX H	Plan F

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APPENDIX I	Plan G
APPENDIX J	Plan H
APPENDIX K	Plan I
APPENDIX L	Plan J
APPENDIX M	Notice to Applicant Regarding Replacement of Accident and Sickness Insurance
APPENDIX N	Medicare Supplement Refund Calculation Format
APPENDIX O	Notice of Medicare Changes
APPENDIX P	Medicare Supplement Policies Report
APPENDIX Q	Disclosure Statements

AUTHORITY: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982; adopted at 6 Ill. Reg. 7115, effective January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendment at 13 Ill. Reg. 586, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at 14 Ill. Reg. 19243, effective November 27, 1990; amended at 16 Ill. Reg. 2766, effective February 11, 1992; corrected at 16 Ill. Reg. 3590; amended at 16 Ill. Reg. 15452, effective September 29, 1992; emergency amendment at 16 Ill. Reg. 19226, effective December 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 11469, effective July 9, 1993; amended at 20 Ill. Reg. 6393, effective APR 28 1996.

Section 2008.10 Authority

This Part is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code [215 ILCS 5/401] (Ill.-Rev-Stat-1990-Supp-77-ch-737 par-1093) which empowers the Director . . . to make reasonable rules and regulations as may be necessary for making effective . . . the insurance laws of this State. This Part implements Sections 363 and 363a of the Illinois Insurance Code [215 ILCS 5/363 and 363a] (Ill.-Rev-Stat-1990-Supp-77-ch-737 par-975-and-975a-as-amended-by-P-Ar-87-0607-effective-September-18-1993).

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 1996)

Section 2008.30 Applicability and Scope

a) Except as otherwise specifically provided in Sections 2008.70, 2008.75, 2008.80, and 2008.81, 2008.90 and 2008.103 of this Part, this Part shall apply to:

- 1) All Medicare supplement policies delivered or issued for delivery in this State on or after June 1, 1982, the effective-date hereof and
- 2) All certificates issued under group Medicare supplement policies, which policies or contracts have been delivered or issued for

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delivery in this State.

b) This Part shall not apply to:

- 1) "Accident Only" or "Specified Disease" types of policies (Section 363(1)(b) of the Illinois Insurance Code (the Code)), or
- 2) Policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons, which policies or plans are not marketed or purported or held to be Medicare supplement policies or benefit plans (Section 363(1)(b) of the Code), or
- 3) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 25 1996)

Section 2008.40 Definitions

For the purposes of this Part:

"Applicant" means:

in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and in the case of a group Medicare supplement policy, the proposed certificateholder (Section 363(2)(a) of the Code).

"Certificate" means any certificate delivered or issued for delivery in this State under a group Medicare supplement policy (Section 363(2)(b) of the Code).

"Certificate Form" means the form on which the certificate is delivered or issued for delivery by the issuer.

"Code" means the Illinois Insurance Code [215 ILCS 5/1 et seq.] (~~Rev.-Stat.-1990-Supp.-r-en-73-7-par-613-et-seq-7~~).

"Issuer" includes insurance companies, fraternal benefit societies, health care service plans, and any other entity delivering or issuing for delivery in this State Medicare supplement policies or certificates.

"Medicare" means the "Health Insurance for the Aged Act", Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

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"Medicare Supplement Policy" means a group or individual policy of (accident and sickness) insurance or a subscriber contract (of hospital and medical service associations or health maintenance organizations) other than a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. Section 1395 et seq.) or an issued policy under a demonstration project specified in 42 U.S.C. Section 1395ss(g)(1). ~~Accident-and-Health insurance-delivered-or-issued-for-delivery-in-this-State-by-an insurer-fraternal-benefit-society-nonprofit-health-hospital-or medical-service-corporation-prepaid-health-plan-or-any-similar organization which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare (Section 363(2)(c) of the Code).~~

"Policy Form" means the form on which the policy is delivered or issued for delivery by the issuer.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 25 1996)

Section 2008.50 Policy Definitions and Terms

No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless such policy or certificate contains definitions or terms which conform to the requirements of this Section.

"Accident," "Accidental Injury" or "Accidental Means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident ~~cause-of-loss~~, independent of disease or bodily infirmity or any other cause, and occurs and occurring while the insurance is in force."

Such definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no fault plan, unless prohibited by law.

"Benefit Period" or "Medicare Benefit Period" shall not be defined more restrictively than as defined in the Medicare program.

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"Convalescent Nursing Home," "Extended Care Facility," or "Skilled Nursing Facility" shall not be defined more restrictively than as defined in the Medicare program.

"Duplication of Insurance" means a transaction wherein new accident and health insurance is to be purchased and it is known to the producer or should be known to the producer or the issuer, in the case of a direct response solicitation, that the new insurance will provide some of the benefits or coverages which the proposed insured already has under existing accident and health insurance.

"Health Care Expenses" means expenses of a nonprofit health, hospital or medical service corporation, prepaid health plan or similar organization associated with the delivery of health care services in which providers of the health care services are reimbursed for such services on an other than fee for service basis which are analogous to incurred losses of insurers. Such expenses shall not include:

- Home office and overhead costs,
- Advertising costs,
- Commissions and other acquisition costs,
- Taxes,
- Capital costs,
- Administrative costs, and
- Claims processing costs.

"Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals but not more restrictively than as defined in the Medicare program.

"Medicare" shall be defined in the policy and certificate as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then constituted ~~enacted~~ or later amended ~~later-amended~~", or "Title I, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof", or words of similar import.

"Medicare Eligible Expenses" shall mean expenses of the kinds covered by Medicare, to the extent recognized as reasonable and medically necessary by Medicare.

"Over-Insurance" means "duplication" of insurance to such extent that the combination of the existing insurance and the proposed insurance would substantially exceed any loss reasonably expected to be incurred.

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"Physician" shall not be defined more restrictively than as defined in the Medicare program.

"Sickness" shall not be defined more restrictively than the following: "Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 1996)

Section 2008.70 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State prior to June 1, 1982 ~~the--effective--date--of--this--Part~~. No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

a) General Standards.

The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.

- 1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because the losses involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.
- 2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.
- 3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.
- 4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

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- A) Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium, or
- B) Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

5) An insurer shall:

- A) Except as authorized by the Director of Insurance for this State, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

- B) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subsection (5)(D) below, the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

- (i) an individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and
- (ii) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Section 208.71(b) of this Part.

C) If a membership in a group is terminated, the issuer shall:

- (i) offer the certificateholder such conversion opportunities as are described in subsection (a)(5)(B) above; or
- (ii) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

- D) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the ~~preceding~~ issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

- 6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits.

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b) Minimum Benefit Standards.

- 1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the first day through the 90th day in any Medicare benefit period;
- 2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;
- 3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;
- 4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;
- 5) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations (42 CFR 409.87(b) 1988, no subsequent dates or editions) or already paid for under Part A, subject to the Medicare deductible amount.
- 6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$100];
- 7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) (42 CFR 409.87(a) 1988, no subsequent dates or editions) unless replaced in accordance with federal regulations (42 CFR 409.87(b) 1988, no subsequent dates or editions) or already paid for under Part A, subject to the Medicare deductible amount.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 1996)

Section 208.71 Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State on or after the effective date of this Part. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it complies with these benefit standards.

a) General Standards

- The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.

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- 1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because the losses involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.
- 2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.
- 3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.
- 4) NO Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.
- 5) Each Medicare supplement policy shall be guaranteed renewable; and:
 - A) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual;
 - B) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation;
 - C) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 2008.71(a)(5)(E), the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):
 - i) provides for continuation of the benefits contained in the group policy, or
 - ii) provides for such benefits as otherwise meet the requirements of this subsection;
 - D) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:
 - i) Offer the certificateholder the conversion opportunity described in Section 2008.71(a)(5)(C), or
 - ii) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy; and
 - E) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding issuer of the replacement

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- policy shall offer coverage to all persons covered under the old policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.
- 6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.
 - 7) A Medicare supplement policy or certificate shall provide:
 - A) That benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within ninety (90) days after the date the individual becomes entitled to such assistance. Upon receipt of notice, the issuer shall return to the policyholder or certificateholder that portion of the premium attributable to the period of Medicaid eligibility subject to adjustment for paid claims.
 - B) If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, such policy or certificate shall be automatically reinstated (effective as of the date of termination of such entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within ninety (90) days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.
 - C) Reinstitution of such coverages:
 - i) Shall not provide for any waiting period with respect to treatment of preexisting conditions;
 - ii) Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and
 - iii) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.
 - b) Standards for Basic ("Core") Benefits Common to All Benefit Plans

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Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu thereof.

- 1) Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the first day through the 90th day in any Medicare benefit period;
 - 2) Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;
 - 3) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the Diagnostic Related Group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days;
 - 4) Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;
 - 5) Coverage for the coinsurance amount of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.
- c) Standards for Additional Benefits
- The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 2008.72 of this Part.
- 1) Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.
 - 2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.
 - 3) Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.
 - 4) Eighty Percent (80%) of the Medicare Part B Excess Charges: Coverage for eighty percent (80%) of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.
 - 5) One Hundred Percent (100%) of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.
 - 6) Basic Outpatient Prescription Drug Benefit: Coverage for fifty

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percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollar (\$250) calendar year deductible, to a maximum of one thousand two hundred fifty dollars (\$1,250) in benefits received by the insured per calendar year, to the extent not covered by Medicare.

- 7) Extended Outpatient Prescription Drug Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollar (\$250) calendar year deductible to a maximum of three thousand dollars (\$3,000) in benefits received by the insured per calendar year, to the extent not covered by Medicare.
- 8) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for eighty percent (80%) of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the United States, subject to a calendar year deductible of two hundred fifty dollars (\$250), and a lifetime maximum benefit of fifty thousand dollars (\$50,000). For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or illness of sudden and unexpected onset.
- 9) Preventive Medical Care Benefit: Coverage for the following preventive health services:
 - A) An annual clinical preventive medical history and physical examination that may include tests and services from subsection (c)(9)(B) below and patient education to address preventive health care measures.
 - B) Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:
 - i) Fecal occult blood test and/or digital rectal examination;
 - ii) Mammogram;
 - iii) Dipstick urinalysis for hematuria, bacteriuria and proteinuria;
 - iv) Pure tone (air only) hearing screening test, administered or ordered by a physician;
 - v) Serum cholesterol screening (every five (5) years);
 - vi) Thyroid function test;
 - vii) Diabetes screening.
 - C) Influenza vaccine administered at any appropriate time during the year and Tetanus and Diphtheria booster (every ten (10) years).
 - D) Any other tests or preventive measures determined appropriate by the attending physician.

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E) Reimbursement shall be for the actual charges up to one hundred percent (100%) percent of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars (\$120) annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

A) For purposes of this benefit, the following definitions shall apply:

i) "Activities of daily living" include but are not limited to: bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

ii) "Care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

iii) "Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

iv) "At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive 4 hours in a 24-hour period of services provided by a care provider is one visit.

B) Coverage Requirements and Limitations

i) At-home recovery services provided must be primarily services which assist in activities of daily living.

ii) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

iii) Coverage is limited to:

No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of

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Medicare approved home health care visits under a Medicare approved home care plan of treatment Home Care-Plan-of-Treatment.

The actual charges for each visit up to a maximum reimbursement of forty dollars (\$40) per visit.

One thousand six hundred dollars (\$1,600) per calendar year.

Seven (7) visits in any one week.

Care furnished on a visiting basis in the insured's home.

Services provided by a care provider as defined in this Section.

At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight (8) weeks after the service date of the last Medicare approved home health care visit.

C) Coverage is excluded for:

i) Home care visits paid for by Medicare or other government programs; and
ii) Care provided by family members, unpaid volunteers or providers who are not care providers.

11) New or Innovative Benefits: An issuer may, with the prior approval of the Director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

(Source: Amended at 20 Ill. Reg. 639.3 effective APR 28 1996)

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a) This Section shall apply to Medicare Select policies and certificates, as defined in this Section. No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this Section.

b) For the purposes of this Section:

- 1) "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.
- 2) "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.
- 3) "Medicare Select Issuer issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate.
- 4) "Medicare Select Policy policy" or "Medicare Select Certificate certificate" mean respectively a Medicare supplement policy or certificate that contains restricted network provisions.
- 5) "Network Provider provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.
- 6) "Restricted Network Provision network-provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.
- 7) "Service Area area" means the geographic area approved by the Director within which an issuer is authorized to offer a Medicare Select policy.

c) The Director of Insurance may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this Section and Section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the Director finds that the issuer has satisfied all of the requirements of this Part.

d) A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this State until its plan of operation has been approved by the Director of Insurance.

e) A Medicare Select issuer shall file a proposed plan of operation with the Director of Insurance in a format prescribed by the Director. The plan of operation shall contain at least the following information:

- 1) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:
 - A) Such services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.
 - B) The number of network providers in the service area is

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sufficient, with respect to current and expected policyholders, either:

- i) To deliver adequately all services that are subject to a restricted network provision; or
 - ii) To make appropriate referrals.
- C) There are written agreements with network providers describing specific responsibilities.
- D) Emergency care is available twenty-four (24) hours per day and seven (7) days per week.
- E) In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting such providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This subsection shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

2) A statement or map providing a clear description of the service area.

3) A description of the grievance procedure to be utilized.

4) A description of the quality assurance program, including:

- A) The formal organizational structure;
- B) The written criteria for selection, retention and removal of network providers; and
- C) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

5) A list and description, by specialty, of the network providers.

6) Copies of the written information proposed to be used by the issuer to comply with subsection (i) below.

7) Any other information requested by the Director of Insurance.

f) A Medicare Select issuer shall:

- 1) File any proposed changes to the plan of operation, except for changes to the list of network providers, with the Director prior to implementing such changes. Such changes shall be considered approved by the Director after thirty (30) days unless specifically disapproved.
- 2) An updated list of network providers shall be filed with the Director of Insurance at least quarterly.

g) A Medicare ~~medicare~~ Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

- 1) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or condition; and
- 2) It is not reasonable to obtain such services through a network provider.

h) A Medicare Select policy or certificate shall provide payment for full

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coverage under the policy for covered services that are not available through network providers.

- i) A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

- 1) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

- A) Other Medicare supplement policies or certificates offered by the issuer; and

- B) Other Medicare Select policies or certificates.

- 2) A description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals, and other providers.
- 3) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized.

- 4) A description of coverage for emergency and urgently needed care and other out of service area coverage.

- 5) A description of limitations on referrals to restricted network providers and to other providers.

- 6) A description of the policyholder's right to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

- 7) A description of the Medicare Select issuer's quality assurance program and grievance procedure.

- j) Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to subsection (i) above and that the applicant understands the restrictions of the Medicare Select policy or certificate.

- k) A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. Such procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

- 1) The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

- 2) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

- 3) Grievances shall be considered in a timely manner and shall be transmitted to decision makers who have authority to investigate the issue and take corrective action.

- 4) If a grievance is found to be valid, corrective action shall be taken promptly.

- 5) All concerned parties shall be notified about the results of a

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grievance.

- 6) The issuer shall report no later than each March 31st to the Director of Insurance regarding its grievance procedure. The report shall be in a format prescribed by the Director and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

- 1) At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

- m) At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies or certificates available without requiring evidence of insurability after the Medicare Select supplement policy or certificate has been in force for six (6) months.

- 1) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have "comparable or lesser" benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced.

- 2) For the purposes of this subsection, a "significant benefit" means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

- n) Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this Section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

- 1) Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies and certificates available without requiring evidence of insurability.

- 2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have "comparable or lesser" benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subsection, a "significant benefit" means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery

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- services or coverage for Part B excess charges.
- o) A Medicare Select issuer shall comply with requests for data made by State or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

(Source: Amended at 20 Ill. Reg. 6393, effective Apr 28 1996)

Section 2008.74 Open Enrollment

- a) Pursuant to Section 4357 of the Omnibus Budget Reconciliation Act (OBRA) of 1990, the requirements of subsection (a) and (b) are effective November 5, 1991. No issuer shall deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this State, nor discriminate in the pricing of such a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of where an application for a such policy or certificate that is submitted prior to or during the six (6) month period beginning with the first day of the month in which an individual who is both 65 years of age or older, first and is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate certificates currently available from an insurer shall be made available to all applicants who qualify under this subsection without regard to age.

- b) Except as otherwise provided in Section 2008.104 of this Part, subsection Subsection (a) shall not be construed as preventing the exclusion of benefits under a policy, during the first six (6) months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six (6) months before the coverage it became effective.

(Source: Amended at 20 Ill. Reg. 6393, effective Apr 28 1996)

Section 2008.75 Standards for Claims Payment

- a) An issuer shall comply with Section 1882(c)(3) of the Social Security Act (as enacted by Section 4081(b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA) (P.L. 100-203)) by:

- 1) Accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice;
- 2) Notifying the participating physician or supplier and the beneficiary of the payment determination;

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- 3) Paying the participating physician or supplier directly;
 - 4) Furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier may be sent;
 - 5) Paying user fees for claim notices that are transmitted electronically or otherwise; and
 - 6) Providing to the Secretary of Health and Human Services, at least annually, a central mailing address to which all claims may be sent by Medicare carriers.
- b) Compliance with the requirements set forth in subsection (a) shall be certified on the Medicare supplement insurance experience reporting form.

(Source: Amended at 20 Ill. Reg. 6393, effective Apr 28 1996)

Section 2008.80 Loss Ratio Standards and Refund or Credit of Premium

- a) Loss Ratio Standards Pursuant to Section 4355 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 (P.L. 101-588) and Section 363a of P.L. 101-588, the requirements of this subsection are effective November 5, 1991.

- 1) A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis 7-8s appropriate, and earned premiums for such period and in accordance with accepted actuarial principles and practices:

- A) At least 75% of the aggregate amount of premiums earned in the case of group policies; or
 - B) At least 65% of the aggregate amount of premiums earned in the case of individual policies.
- 2) All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this Section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.
 - 3) For purposes of applying subsection (a) of this Section and Subsection 2008.81(c)(2) of this Part, policies issued as a result of solicitations of individuals through the mails or by

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mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

- 4) For policies issued prior to the effective date of this Part, expected claims in relation to premiums shall meet:

- A) The originally filed anticipated loss ratio when combined with the actual experience since inception;
- B) The appropriate loss ratio requirement from subsections (a)(1)(A) and (B) when combined with actual experience beginning April 28, 1996 to date; and
- C) The appropriate loss ratio requirement from subsections (a)(1)(A) and (B) over the entire future period for which the rates are computed to provide coverage.

b) Refund or Credit Calculation

- 1) An issuer shall collect and file with the Director by May 31 of each year the data contained in Appendix N of this Part for each type in a standard Medicare supplement benefit plan.
- 2) If, on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

- 3) For the purposes of this Section, on policies or certificates issued prior to November 5, 1991, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after April 28, 1996. The first such report shall be due by May 31, 1998.

- 4) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. Such refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

c) Annual Filing of Premium Rates

An issuer of Medicare supplement policies and certificates issued in this State before or after the effective date of this Part shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Director in accordance with the filing requirements and procedures prescribed by the Director. The

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supporting documentation shall also demonstrate, in accordance with actuarial standards of practice using reasonable assumptions, that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. Such demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.

- d) As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this State shall file with the Department:
 - 1) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Such supporting documents as are necessary to justify the adjustment shall accompany the filing.

- 2) An issuer shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or certificate as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for such Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

- 3) If an issuer fails to make premium adjustments acceptable to the Director, the Director may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this Section.

- 4) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. Such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

e) Public Hearings

The Director may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of this Part if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for such reporting period.

(Source: Amended at 20 Ill. Reg. effective
APR 28 1996 6993)

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Section 2008.81 Filing and Approval of Policies and Certificates and Premium Rates

- a) An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this State unless the policy form or certificate form has been filed with and approved by the Director pursuant to 50 Ill. Adm. Code 916.
- b) An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the Director pursuant to 50 Ill. Adm. Code 916.
- c) Except as provided in subsection (c)(1) below, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.
 - 1) An issuer may offer, with the approval of the Director, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:
 - A) The inclusion of new or innovative benefits;
 - B) The addition of either direct response or producer marketing methods;
 - C) The addition of either guaranteed issue or underwritten coverage;
 - D) The offering of coverage to individuals eligible for Medicare by reason of disability.

- 2) For the purposes of this Section, a "type" means an individual policy, a group policy, an individual Medicare Select policy, or a group Medicare Select policy.

- d) Except as provided in subsection (d)(1) below, an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this Part that has been approved by the Director. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve months.

- 1) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the Director in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the Director, the issuer shall no longer offer for sale the policy form or certificate form in this State.
- 2) An issuer that discontinues the availability of a policy form or certificate form pursuant to subsection (d)(1) above shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the Director of the discontinuance. The period of discontinuance may be reduced if the Director determines that a shorter period is appropriate.

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- 3) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of ~~this~~ subsection (d).
- 4) A change in the rating structure or methodology shall be considered a discontinuance under subsections (d)(1) and (2) above unless the issuer complies with the following requirements:
 - A) The issuer provides an actuarial memorandum, in a form and manner prescribed by the Director, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing resultant rates.
 - B) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The Director may approve a change to the differential which is in the public interest.
- e) Except as provided herein, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in Section 2008.80 of this Part. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 1996)

Section 2008.82 Permitted Compensation Arrangements

- a) An issuer or other entity may provide commission or other compensation to an insurance producer for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent (200%) of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.
- b) The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for no fewer than five renewal years.
- c) No issuer or other entity shall provide compensation to its insurance producers and no insurance producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced ~~unless benefits of the new policy or certificate are greater than the benefits under the replaced policy~~.
- d) For purposes of this Section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses,

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gifts, prizes, awards and finders fees.

(Source: Amended at 20 Ill. Reg. **6393**, effective
APR 28 1996)

Section 2008.90 Required Disclosure Provisions

a) General Rules

1) Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of such provision must be consistent with the type of contract issued. Such provision shall be appropriately captioned and shall appear on the first page of the policy and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

2) Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured or exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with an accompanying increase in premium during the policy term shall be agreed to in writing and signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, be agreed to in writing signed by the insured, except if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

3) Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import.

4) If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

5) Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded directly to him or her in a

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timely manner if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

6) Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally to a person(s) eligible for Medicare by reason of age shall provide to those such applicants a Guide to Health Insurance for People with Medicare "bayer's-guide" approved by the Director of Insurance and in type size no smaller than 12 point type. Delivery of the Guide "bayer's-guide" shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this Part. Except in the case of direct response issuers, delivery of the Guide "bayer's-guide" shall be made to the applicant at the time of application and acknowledgement of receipt of the Guide "bayer's-guide" shall be obtained by the issuer. Direct response issuers shall deliver the Guide "bayer's-guide" to the applicant upon request but not later than at the time the policy is delivered.

b) Policy Checklist

1) In order to determine what policy is appropriate and non-duplicative, a policy checklist must be completed in the presence of the applicant at the point of sale. Copies of the checklist, completed and duly signed are to be provided to the applicant and the issuer. This requirement does not apply to direct response solicitations.

2) The checklist required by subsection (b)(1) above shall provide substantially the form prescribed in Appendix A of this Part.

3) Issuers issuing Medicare supplement policies for delivery in this State shall not issue a Medicare supplement policy unless all information requested in the policy checklist is provided.

c) Notice Requirements

1) As soon as practicable, but no later than thirty (30) days prior to the annual effective date of Medicare benefit changes, an every insurer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in the format prescribed in Appendix O of this Part. Such notice shall:

A) Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate, and

B) Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

2) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension. This notice shall be plainly printed in no smaller than twelve (12) point type.

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- 3) Such notices shall not contain or be accompanied by any solicitation.

d) Outline of Coverage Requirements for Medicare Supplement Policies

- 1) Issuers shall provide an outline of coverage to all applicants at the time the application is presented to the prospective applicant, and except for direct response policies, shall obtain an acknowledgement of receipt of such outline from the applicant.
- 2) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline of coverage delivered at the time of application, a substitute outline of coverage properly describing the policy or certificate actually issued shall accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name:

NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application, and the coverage originally applied for has not been issued.

- 3) In addition to the statement required by subsection (d)(2) of this Section, each revised outline of coverage accompanying a policy or certificate issued on a basis other than that originally applied for, shall contain the following notice appearing in no less than twelve (12) point type:

WARNING: The (policy or certificate) you have received is not the same as the one for which you made application.

- 4) The outline of coverage provided to applicants pursuant to this subsection shall consist of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. Please see Appendix B of this Part. The outline of coverage shall be in the language and format prescribed in Appendix B in no less than twelve (12) point type. All plans "A-J" shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

- 5) The outline of coverage shall follow the format in Appendix B of this Part. The term "certificate" should be substituted for the word "policy" throughout the outline of coverage where appropriate.

e) Notice Regarding Policies or Certificates Which are Not Medicare Supplement Policies

- 1) Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy, a policy issued pursuant to a

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contract under Section 1876 of the Federal Social Security Act (42 U.S.C., Section 1395 et seq.), disability income policy, or other policy identified in Section 208.30(b)(3) of this Part issued for delivery in this State to persons eligible for Medicare, shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The in-the case wherein a policy, as defined in Section 3556(2)(a), of the code, being sold to a person eligible for Medicare by reason of age, provides one or more but not all of the minimum standards for Medicare supplements in Section 363 of the Code, such policy or certificate shall provide notice that such policy is not a Medicare supplement and does not meet the minimum benefits standards set for such policies in this State. Such notice shall either be printed or attached to appear on the first page of the policy or certificate on the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy or certificate delivered to insureds. The such notice shall be in no less than twelve (12) point type and shall contain the following language:

THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). IT DOES NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare, review the Medicare Supplement Buyers Guide to Health Insurance for People with Medicare available from the company.

- 2) Using the applicable statement found in Appendix Q of this Part, applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection (e)(1) above shall disclose the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as part of, or together with, the application for the policy or certificate.

f) Applications--Notice regarding policies or certificates which are not Medicare supplement policies

In the case wherein an application is used to apply for the type of policy as defined in subsection (e) of this Section, such application shall provide notice that the policy being applied for is not a Medicare Supplement and does not meet the minimum benefits standards set forth for such policies in this State. Such notice shall be in no less than twelve (12) point type and shall contain the following language:

THIS POLICY, CERTIFICATE OR SUBCRIBER CONTRACT, WHICH YOU HAVE APPLIED FOR IS NOT A MEDICARE SUPPLEMENT OR CERTIFICATE. IT IS NOT A BORG-NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company.

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- f) ~~g)~~ Filing Requirements for Advertising
g) ~~h)~~ An issuer of Medicare supplement insurance or benefits in this State shall provide a copy of any Medicare supplement advertisement intended for use in this State whether through written, radio or television medium to the Director of Insurance of this State for review by the Director to the extent it may be required under State law.

2) Notice--regarding-policies-or-certificates-which-are-not-Medicare supplement-policies.
in-the-case-wherein-any-advertising-as-defined-in--50--iii--Adm- Code--2002-40-(Advertising-of-Accident-and-Sickness-Insurance)-is used-to-solicit-the-type-of-policy-as-defined-in-subsection(f)-of this-Section--such-advertising--shall--provide--notice--that--the policy-being-advertised-is-not-a-Medicare-supplement-and-does-not meet--the--minimum-benefits-standards-set-forth-for-such-policies in-this-State--Such-notice-shall-be-prominently-disclosed-within the-text-of-the-advertisement--Such-notice-shall-be-in-no-less than-twelve--(12)--point--type--and--shall-contain-the-following language:
THIS-(POLICY,-CERTIFICATE-OR-SUBSCRIBER-CONTRACT)-IS--NOT--A MEDICARE--SUPPLEMENT--(POLICY--OR-CERTIFICATE)--IF--DOES--NOT MEET--THE--MINIMUM--BENEFITS--STANDARDS--SET--FOR--HEALTH--INSURANCE--IF YOU--ARE--ELIGIBLE--FOR--MEDICARE--review--the--Medicare Supplement-Buyers-Guide-available-from-the-company.

Section 2008.100 Requirements for Application Forms and Replacement Coverage

- a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement or other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and insurance producer containing such questions and statements may be used.

[STATEMENTS]:

- 1) You do not need more than one Medicare supplement policy.
2) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.
3) ~~4)~~ You if-you-are-65-or-older-you may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.
4) ~~3)~~ The benefits and premiums under your Medicare supplement policy can ~~will~~ be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days after ~~of~~ becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstituted if requested within 90 days after ~~of~~ losing Medicaid eligibility.
5) ~~4)~~ Counseling services may be available in this State to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the State Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

[QUESTIONS]

To the best of your knowledge,

- 1) Do you have another Medicare supplement policy or certificate in force (including-health-care-service-contract-health-maintenance organization-contract)?

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- f) ~~g)~~ Filing Requirements for Advertising
g) ~~h)~~ An issuer of Medicare supplement insurance or benefits in this State shall provide a copy of any Medicare supplement advertisement intended for use in this State whether through written, radio or television medium to the Director of Insurance of this State for review by the Director to the extent it may be required under State law.

2) Notice--regarding-policies-or-certificates-which-are-not-Medicare supplement-policies.
in-the-case-wherein-any-advertising-as-defined-in--50--iii--Adm- Code--2002-40-(Advertising-of-Accident-and-Sickness-Insurance)-is used-to-solicit-the-type-of-policy-as-defined-in-subsection(f)-of this-Section--such-advertising--shall--provide--notice--that--the policy-being-advertised-is-not-a-Medicare-supplement-and-does-not meet--the--minimum-benefits-standards-set-forth-for-such-policies in-this-State--Such-notice-shall-be-prominently-disclosed-within the-text-of-the-advertisement--Such-notice-shall-be-in-no-less than-twelve--(12)--point--type--and--shall-contain-the-following language:
THIS-(POLICY,-CERTIFICATE-OR-SUBSCRIBER-CONTRACT)-IS--NOT--A MEDICARE--SUPPLEMENT--(POLICY--OR-CERTIFICATE)--IF--DOES--NOT MEET--THE--MINIMUM--BENEFITS--STANDARDS--SET--FOR--HEALTH--INSURANCE--IF YOU--ARE--ELIGIBLE--FOR--MEDICARE--review--the--Medicare Supplement-Buyers-Guide-available-from-the-company.

(Source: ~~Adm Code~~ 20 Ill. Reg. 6393, effective 10/98)

Section 2008.91 Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

- a) Federal law, P.L. 103-432, prohibits the sale of health insurance policies (the term policy or policies includes certificates) that duplicate Medicare benefits unless the policy will pay benefits without regard to other health coverage and the policy includes the prescribed disclosure statement on, or together with, the application.
b) All types of health insurance policies that duplicate Medicare shall include one of the disclosure statements found in Appendix Q of this Part, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from those found in Appendix Q of this Part in terms of language or format (type, size, type, proportional spacing, bold character, line spacing, and usage of boxes around text).
c) State and Federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement.
d) Property/Casualty and Life insurance policies are not considered health insurance.
e) Disability income policies are not considered to provide benefits that

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- A) If so, with which company?
 B) If so, do you intend to replace your current Medicare supplement policy with this policy (certificate)?
- 2) Do you have any other health insurance coverage policies that provides benefits similar to which this Medicare supplement policy would duplicate?
 A) If so, with which company?
 B) What kind of policy?

- 3) If the answer to question 1 or 2 is yes, do you intend to replace these medical or health policies with this policy (certificate)?
- 3) Are you covered for medical assistance through the State by Medicaid program?

- A) As a Specified Low Income Medicare Beneficiary (SLMB)?
 B) As a Qualified Medicare Beneficiary (QMB)?
 C) For other Medicaid medical benefits?

- b) Agents shall list any other health insurance policies they have sold to the applicant.

- 1) List policies sold which are still in force.

- 2) List policies sold in the past five (5) years which are no longer in force.

- c) In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

- d) Upon determining that a sale will involve replacement of Medicare supplement, an issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of accident and sickness coverage. One copy of such notice signed by the applicant and the insurance producer shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of accident and sickness coverage in the form prescribed in Appendix M of this Part.

- e) The notice required by subsection (d) above for an issuer, other than a direct response issuer, shall be provided in the form prescribed in Appendix M of this Part in no less than twelve (12) point type.

- f) Subsections 1 and 2 of Appendix M (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 2008)

Section 2008.101 Standards for Marketing

- a) An issuer, directly or through its producers, shall:

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- 1) Establish fair and accurate marketing procedures which comply with the standards set forth in Section 363a(5) and (6) of the Code.
- 2) Establish marketing procedures to assure duplicative insurance benefits are not sold or issued.
- 3) Display prominently by type, stamp or other appropriate means, on the first page of the policy, the following:
 "Notice to buyer: This policy may not cover all of your medical expenses."

- 4) Inquire and otherwise make every reasonable effort to identify whether of a prospective applicant or enrollee for Medicare supplement insurance already has whether--they--are--currently covered--by accident and sickness insurance and the types and amounts of such insurance.
- 5) Establish auditable procedures for verifying compliance with this subsection (a).

- b) The following acts and practices are prohibited:

- 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing or tending to induce any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.
- 2) High pressure tactics. Employing any method of marketing having the effect of inducing or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

- 3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

- c) The terms "Medicare Supplement," "Medigap," "Medicare Wrap-Around" and words of similar import shall not be used unless the policy is issued in compliance with this Part.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 2008)

Section 2008.104 Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates

- a) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new

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Medicare supplement policy or certificate for similar benefits to the extent such time was spent under the original policy.

- b) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at least six months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods and probationary periods for benefits similar to those contained in the original policy or certificate.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 1995)

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Section 2008 APPENDIX M Notice to Applicant Regarding Replacement of Accident and Sickness Insurance

Insurance company's name and address

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished) you intend to terminate existing accident and sickness insurance and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If ~~terminate your present policy only if~~, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY INSURANCE PRODUCER:

I have reviewed your current medical or health insurance coverage. To the replacement of insurance involved in this transaction does not duplicate coverage to the best of my knowledge this Medicare supplement policy will not duplicate your existing Medicare supplement coverage because you intend to terminate your existing Medicare supplement coverage. The replacement policy is being purchased for the following reason(s) (Check one):

- ☐ Additional benefits.
☐ No change in benefits, but lower premiums.
☐ Fewer benefits and lower premiums.
☐ Other. (please specify) _____

- 1) Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

- 2) State law (Section 363(7)(b) of the Illinois Insurance Code [215 ILCS 5/363(7)(b)] ~~repealed~~ ~~Rev. Stat., Ch. 73, par. 9757~~ provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The issuer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

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- 3) If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

(Signature of Insurance Producer or Other Representative)

Typed Name and Address of Issuer or Insurance Producer

(Applicant's Signature)

Date

* Signature not required for direct response sales.

(Source: Amended at 20 Ill. Reg. 6393, effective APR 28 1996)

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SECTION 2008. APPENDIX N Medicare Supplement Refund Calculation Format

For Calendar Year _____

Type (1)

SMSBP (#2)

For the State of _____

Company Name _____

NAIC Group Code _____

NAIC Company Code _____

Address _____

Person Completing this Form _____

Telephone Number _____

Title _____

(a) Earned Premium (#3)

(b) Incurred Claims (#4)

Line

1. Current Year's Experience
a. Total (all policy years)

b. Current year's issues (z)

c. Net (for reporting purposes = 1a - 1b)

2. Past Year's Experience (all policy years)

3. Total Experience (net current year + past year's experience)

4. Refunds last year (excluding interest)

5. Previous since Inception (excluding interest)

6. Refunds since Inception (excluding interest)

7. Benchmark Ratio since Inception

(see worksheet for Ratio 1)

8. Experienced Ratio since Inception

Total Actual Incurred Claims (line 3, col. b) / Total Premium After Refunds = Ratio 2

Where Total Earned Premium after Refunds = Total Earned Premiums (line 3, col. a) - Refunds since Inception (line 6)

9. Life Years Exposed Since Inception

If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.

10. Tolerance Permitted

(obtained from credibility table)

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WORKSHEET REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES

For Calendar Year _____

11. Adjustment to Incurred Claims for Credibility

Ratio 3 = Ratio 2 + Tolerance _____

*If ratio 3 is more than benchmark ratio (ratio 1), a refund or credit to premium is not required.**If ratio 3 is less than the benchmark ratio, then proceed.*

12. Adjusted Incurred Claims = Total Earned Premiums (line 3, col. a) - Refunds since inception (line 6) x Ratio 3 (Ratio 1)

13. Refund = Total Earned Premium after Refunds - [Adjusted Incurred Claims (line 12) / Benchmark Ratio (Ratio 1)]

Where Total Earned Premium after Refunds = Total Earned Premiums (line 3, col. a) - Refunds since inception (line 6)

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund and/or credit against premiums to be used must be attached to this form.

Medicare Supplement Credibility Table

Life Years Exposed Since Inception	Tolerance
10,000 +	0.0%
5,000 - 9,999	5.0%
2,500 - 4,999	7.5%
1,000 - 2,499	10.0%
500 - 999	15.0%

If less than 500, no credibility

- (1). Individual, Group, Individual Medicare Select, or Group Medicare Only.
 (42). "SMSBP" = Standard Medicare Supplement Benefit Plan—Use "P" for pre-standardized plans.
 (43). Includes medical loadings and fees charged
 (44). Excludes Active Life Reserves
 (45). This is to be used as "Issue Year Earned Premium" for 1 of next year's "Worksheet for Calculation of Benchmark Ratios"

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

Signature _____

Title—please type _____

Name—please type _____

Date _____

Type (1): _____ SMSBP (2): _____

For the State of: _____

Company Name: _____

NAIC Group Code: _____

NAIC Company Code: _____

Address: _____

Person Completing Form: _____

Title: _____ Telephone Number: _____

(a2)	(b4)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o5)
Year	Earned Premium	Factor	(b4) x (c)	Cumulative Loss Ratio	(d) x (e)	Factor	(b4) x (g)	Cumulative Loss Ratio	(h) x (i)	Loss Ratio	Policy Year			
1	2,770	4.175	0.507	0.507	0.000	0.000	0.000	0.000	0.000	0.46				
2	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.63				
3	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.75				
4	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.77				
5	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.80				
6	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.82				
7	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.84				
8	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.87				
9	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.88				
10	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.88				
11	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.88				
12	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.88				
13	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.88				
14	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.89				
15	4,175	0.567	0.567	0.567	0.000	0.000	0.000	0.000	0.000	0.89				
Total:														

Benchmark Ratio Since Inception: Ratio 1 = (i + n) / (k + m); _____

(1): Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

(p2): "SMSBP" = Standard Medicare Supplement Benefit Plan—Use "P" for pre-standardized plans.

(a3): Year 1 is the current calendar year—1

Year 2 is the current calendar year—2 (etc.)

(Example: If the current year is 1991, then Year 1 is 1990; Year 2 is 1989, etc.)

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(4)(b): For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.

(5)(c): These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

(b): SMSBP = Standardized-Medicare-Supplement-Benefit-Plan

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WORKSHEET-REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES
For Calendar Year _____

Type (1): _____ SMSBP (2): _____

For the State of: _____

Company Name: _____

NAIC Group Code: _____ NAIC Company Code: _____

Address: _____

Person Completing Form: _____

Title: _____ Telephone Number: _____

(a3)	(b4)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
Year	Earned Premium	Factor	(b4) x (c)	Cumulative Loss Ratio	(d) x (e)	Factor	(b4) x (g)	Cumulative Loss Ratio	(h) x (i)	Policy Year Loss Ratio			
1	2,770	0.442	0.442	0.442	0.000	0.000	0.000	0.000	0.000	0.4			
2	4,175	0.493	0.493	0.935	0.000	0.000	0.000	0.000	0.000	0.55			
3	4,175	0.493	0.493	1.428	1.194	0.000	0.000	0.659	0.659	0.65			
4	4,175	0.493	0.493	1.921	2.245	0.669	2.245	0.669	0.669	0.67			
5	4,175	0.493	0.493	2.414	3.170	0.678	3.170	0.678	0.678	0.69			
6	4,175	0.493	0.493	2.907	3.998	0.686	3.998	0.686	0.686	0.71			
7	4,175	0.493	0.493	3.400	4.754	0.695	4.754	0.695	0.695	0.73			
8	4,175	0.493	0.493	3.893	5.445	0.702	5.445	0.702	0.702	0.75			
9	4,175	0.493	0.493	4.386	6.075	0.708	6.075	0.708	0.708	0.76			
10	4,175	0.493	0.493	4.879	6.650	0.713	6.650	0.713	0.713	0.76			
11	4,175	0.493	0.493	5.372	7.176	0.717	7.176	0.717	0.717	0.76			
12	4,175	0.493	0.493	5.865	7.655	0.720	7.655	0.720	0.720	0.77			
13	4,175	0.493	0.493	6.358	8.093	0.723	8.093	0.723	0.723	0.77			
14	4,175	0.493	0.493	6.851	8.493	0.725	8.493	0.725	0.725	0.77			
15	4,175	0.493	0.493	7.344	8.684	0.725	8.684	0.725	0.725	0.77			
Total:	(k):	(l):	(m):	(n):									

Benchmark Ratio Since Inception: Ratio 1 = (1 + n)/(k + m):

(1): Individual, Group, Individual Medicare Select, or Group Medicare only.

(2): "SMSBP" = Standardized Medicare Supplement Benefit Plan-Use "p" for pre-standardized plans.

(3)(a): Year 1 is the current calendar year-1

Year 2 is the current calendar year-2 (etc.)

(Example: If the current year is 1991, then Year 1 is 1990; Year 2 is 1989, etc.)

(4)(b): For the calendar year on the appropriate line in column (a), the

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premium earned during that year for policies issued in that year.

(5)†: These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.

††: "SMGBP"--Standardized-Medicare-Supplement-Benefit-Plan

(Source: Amended at 20 Ill. Reg. 6393, effective

APR 28 2007)

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Section 008.APPENDIX Q Disclosure Statements

All types of health insurance policies that duplicate Medicare shall include one of the following disclosure statements according to the particular policy type involved, on the application or together with the application. The disclosure statement language and format may not vary in type size, type proportional spacing, bold character, line spacing or usage of boxes around text from those presented below.

- a) For policies that provide benefits for expenses incurred for an accidental injury only:

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays hospital medical expenses up to the maximum stated in the policy.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling

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program.

- b) For policies that provide benefits for specified limited services:

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when any of the services covered by the policy are also covered by Medicare.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- c) For policies that reimburse expenses for specified disease(s) or other specified impairments. This includes expense incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions:

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

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This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays hospital or medical expenses up to the maximum stated in the policy.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- d) For policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy:

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or

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health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- e) For indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when any expenses or services covered by the policy are also covered by Medicare.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services

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regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- f) For policies that provide benefits for both expenses incurred and fixed indemnity basis:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,

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- physician services,
- hospice care,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement Insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- g) For long-term care policies providing both nursing home and non-institutional coverage:

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This is long-term care insurance that provides benefits for covered nursing home and home care services.
- In some situations Medicare pays for short periods of skilled nursing home care, limited home health services and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement Insurance.

Neither Medicare nor Medicare Supplement Insurance provides benefits for most long-term care expenses.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about long-term care insurance, review the

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- Shopper's Guide to Long Term Care Insurance, available from the insurance company.
- For more information about Medicare and Medicare Supplement Insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- h) For policies providing nursing home benefits only:

**IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS**

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered nursing home services.
- In some situations Medicare pays for short periods of skilled nursing home care and hospice care.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement Insurance.

Neither Medicare nor Medicare Supplement Insurance provides benefits for most nursing home expenses.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about long-term care insurance, review the Shopper's Guide to Long Term Care Insurance, available from the insurance company.
- For more information about Medicare and Medicare Supplement Insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- i) For policies providing home care benefits only:

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IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

Federal law requires us to inform you that this insurance duplicates Medicare benefits in some situations.

- This insurance provides benefits primarily for covered home care services.
- In some situations, Medicare will cover some health related services in your home and hospice care which may also be covered by this insurance.
- This insurance does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Neither Medicare nor Medicare Supplement insurance provides benefits for most services in your home.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about long-term care insurance, review the Shopper's Guide to Long Term Care Insurance, available from the insurance company.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

- 1) For other health insurance policies not specifically identified in the previous statements:

IMPORTANT NOTICE TO PERSONS ON MEDICARE THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or

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coinsurance and is not a substitute for Medicare Supplement insurance. This insurance duplicates Medicare benefits when it pays the benefits stated in the policy and coverage for the same event is provided by Medicare.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization,
- physician services,
- hospice,
- other approved items and services.

Before You Buy This Insurance

- Check the coverage in all health insurance policies you already have.
- For more information about Medicare and Medicare Supplement insurance, review the Guide to Health Insurance for People with Medicare, available from the insurance company.
- For help in understanding your health insurance, contact your state insurance department or state senior insurance counseling program.

(Source: Added at 20 Ill. Reg. 6393, effective Apr 28 1996)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Child Labor Law
- 2) Code Citation: 56 Ill. Adm. Code 250
- 3) Section Numbers: Adopted Action:
250.105 Amended
- 4) Statutory Authority: Child Labor Law, 820 ILCS 205/16
- 5) Effective Date of Amendment: April 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's principal office: April 25, 1996
- 9) Date notice(s) of proposed rules was published in the Illinois Register:
November 3, 1995 at 19 Ill. Reg. 15154
- 10) Has JCAR issued a statement of objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: This proposed rulemaking will correct a citation error, update the regulations under the Child Labor Law, 820 ILCS 205/1-22 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly by removing family relations from the definition of the term "employed".
- 16) Information and questions regarding this adopted amendment shall be directed to:
Scott D. Miller, Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, IL 60601
312/793-5261

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 250

ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section	Definition of the Act
250.100	Definitions
250.105	Minor (Repealed)
250.110	Agriculture (Repealed)
250.115	Week (Repealed)
250.120	Work (Repealed)
250.125	Time Record (Repealed)
250.130	Premises (Repealed)
250.135	Suffer (Repealed)
250.140	Garage (Repealed)
250.145	Employer and All Interested Parties (Repealed)
250.150	

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section	Employers Subject to the Act
250.200	Minors Assisting Employees of Tax Supported School Lunch Programs
250.205	Movie Theatres
250.210	Car Wash
250.215	Employment in or about Airfields
250.220	Office and Ice Cream Dispensing Equipment
250.225	Enclosed, Self-sealing Automatic Dishwashers
250.230	Power Driven Machinery
250.235	Exhibition Park or Place of Amusement
250.240	Employment in Establishments Selling Package Liquors
250.245	Shopping Malls and Similar Structures Containing Two or More Buildings
250.250	Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
250.255	Employment of Minors as Models
250.260	Parent/Guardian Required Presence at Performance
250.265	Non-Resident Minor Seeking Employment
250.270	

SUBPART C: HOURS OF EMPLOYMENT

Section	Number of Days Employment Limit
250.300	

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250.305 Applying for a Section 8.1(b) Work Hours Waiver
 250.310 Issuance of a Section 8.1(b) Work Hours Waiver
 250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section
 250.400 Issuing Officers are responsible for:

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section
 250.500 The Employer shall:

SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Section
 250.600 Revocation of Employment Certificates; Civil Penalty Assessments

SUBPART G: HEARING PROCESS

Section
 250.700 Procedure and Time Table for Suspension or Revocation of Employment Certificates
 250.705 Procedure for Child Labor Penalty Assessment
 250.710 Assessing Penalties
 250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

SUBPART H: EMPLOYER VIOLATIONS

Section
 250.800 Minimum Age
 250.805 Hours of Work
 250.810 Meal Period
 250.815 Posting of Hours
 250.820 Time Record
 250.825 Hazardous Occupations
 250.830 Minor Under Sixteen Appearing in Theatrical Productions
 250.835 Employment Certificate Required
 250.840 Duties of Employers
 250.845 Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models
 250.850 Parent/Guardian Not Present at Performance
 250.855 Minors Under Sixteen Appearing in Television or Motion Picture

DEPARTMENT OF LABOR

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Productions
 250.860 Minors: Athletic or Acrobatic Activity and Stunts

AUTHORITY: Implementing Section 16 of the Illinois Child Labor Law [820 ILCS 205/16].

SOURCE: Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6564, effective May 2, 1995; amended at 20 Ill. Reg. 6449, effective APR 29 1996.

SUBPART A: DEFINITIONS

Section 250.105 Definitions

"Agriculture" means farming in all of its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity (including commodities defined as agricultural commodities in Section 15(g) of the U.S. Agricultural Marketing Act as amended [12 U.S.C. 1141 et seq.]) (~~7A-85-67-1141-et-seq.~~), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, or to market, or to carriers for transportation to market. The phrase "incident to or in conjunction with" shall not include construction, by a private contractor, of farm buildings on a farm.

"Day" means a calendar day.

"Department of Labor" and "Department" shall mean the Illinois Department of Labor, its Director, and his/her authorized representatives.

"Employed" means the relationship between a minor and an employer wherein a minor performs services for the benefit of an employer with the actual or implicit knowledge of the employer. The presence of a minor on an employer's premises performing work shall constitute prima facie evidence of the minor's employment therein. ~~This principle applies equally to the employer that is also a specified minor's family member, except as provided in Section 2-6 of the Act.~~

"Employer" means any individual, partnership, association, corporation, business trust, enterprise, or any person or group of

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

persons acting directly or indirectly in the interest of an employer in relationship to a minor.

"Enterprise" means an activity as defined by Section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(r) and (s)).

"Filling Station or Service Station": the phrase "in or about any filling station or service station" shall include those areas used for convenience and/or grocery stores at a filling station or service station.

"Gainful Occupation" means any service, trade, business, profession, or calling a minor pursues with the reasonable expectation of compensation.

"Garage" means, but is not limited to, establishments selling and/or repairing automobiles, trucks, farm implements, and other vehicles capable of being propelled by their own power, and their premises; provided that office employment shall not be prohibited.

"Minor" means children that have not attained their sixteenth birthday. For the purpose of this Act, a person attaining their sixteenth birthday shall no longer be considered a minor.

"Permitted or Allowed" means the imposition of liability on a person who does not directly employ a minor in violation of the Act, but has sufficient control over the employer to discover the illegal employment and sever the employment relationship.

"Premises", as used in Section 6 and 7 of the Act, means a specified employer's buildings, grounds and appurtenances, but shall not include the designated space of separate and independent employers conducting business under a common roof.

"Suffer" means to tolerate, allow or permit to perform an act of working.

"Television, motion picture, or related entertainment production", as used in Section 8.1(b) of the Act, means films, videotape or television programming of theatrical, commercial, or documentary presentations viewed by a member of the general public in a theater or on a television screen.

"Time Record" means an accurate time record for each minor employed. Time records shall include the following information for each minor: name, address, date of birth, starting and ending dates of employment, starting and ending dates of each work day, starting and ending time of each meal break and number of hours worked daily and

DEPARTMENT OF LABOR

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weekly.

"Week" means the calendar week, i.e., that seven consecutive day period beginning at 12:01 a.m. on Sunday morning and ending on the following Saturday night at midnight.

"Work" means all times during which an employed minor is required, permitted or allowed to be on the employer's premises, or at a prescribed work place.

(Source: Amended at 20 Ill. Reg. _____, effective 6449)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Safe Operation of Nuclear Facility Boilers and Pressure Vessels

2) Code Citation: 32 Ill. Adm. Code 505

<u>Section Number:</u>	<u>Adopted Action:</u>
505.40	Amendment
505.50	Amendment
505.80	Amendment
505.84	Amendment
505.110	Amendment
505.170	Amendment
505.1700	Amendment
505.2000	Amendment
505.2200	Amendment
505.2700	Amendment

4) Statutory Authority: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and by Section 71(C) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(C)].

5) Effective Date of Amendments: April 26, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) Date filed in Agency's Principal Office: April 26, 1996

9) Notice of Proposal Published in the Illinois Register: January 5, 1996 (20 Ill. Reg. 100)

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version:

- a) In Section 505.40(a)(2), on line 4, by changing "1994" to "1995".
- b) In Section 505.50(a)(3)(A), on line 2, by inserting "or" at the end of this subsection.
- c) In Section 505.50(a)(7), on line 7, by changing the phrase "provided that the alternative examinations and tests give an assurance of structural integrity and will not result in undue hazard to the public health and safety of property" to the phrase "Other than those required in this Part but that are determined by the Department to

DEPARTMENT OF NUCLEAR SAFETY

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give an assurance of structural integrity at least equal to that provided by the examinations and tests required by this Part".

d) In Section 505.80(b), on lines 7 and 8, by changing "(1994)" to "(1995)".

e) In Section 505.1700(a), on line 3, by inserting " , inspection or repair" after the word "construction".

f) In Section 505.2700(c)(5), on line 1, by changing the phrase "acts to deny" to the word "deny"; and on line 2, by changing the phrase "it shall take action under" to the phrase "the owner may request a hearing pursuant to".

g) In Section 505.2700(d)(5), by changing this subsection to read as follows: "If the Department denies a request for the use of alternative standards for inspection, the owner may request a hearing pursuant to Section 505.84 of this Part."

h) In Section 505.2700(e)(3), on line 3, by inserting the phrase "the alternative standards to" immediately after the phrase "application of".

i) In Section 505.2700(e)(5), by changing this subsection to read as follows: "If the Department denies a request for the use of alternative standards for repair, the owner may request a hearing pursuant to Section 505.84 of this Part."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This Amendment will update incorporations by reference to include the 1994 and 1995 editions of the ASME Boiler and Pressure Vessel Safety Code for various purposes and include 1992, 1993, and 1994 addenda to the National Board Inspection Code. The incorporation of ASME automatically fired boiler standards is updated from 1988 to 1993 and their applicability broadened. Also, a new exemption for certain monitored IPI pressure vessels is added and the current pressure vessel exemption is clarified. This rulemaking also reflects that certain liquified petroleum gas pressure vessels are now regulated under a different law. This amendment will also allow the Department to approve alternate standards for inspection and repair of boilers and pressure vessels not constructed to ASME Code Standards. In addition, inspection schedules for some pressure vessels not subject to internal corrosion are

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being changed from 3-year to 5-year cycles and the owners are being given the option of submitting inspection plans to coordinate with refueling outages.

16) Information and questions regarding these amendments shall be directed to:

Lyle Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER C: NUCLEAR FACILITY SAFETY

PART 505

SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

SUBPART A: GENERAL

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~~Issuance-of--Permits--and--Registration-of-Non-ASME-Code-Boilers-and-Pressure-Vessels--(State-Specials)~~
 505.1800 Authorized Inspectors
 505.1900 Authorized Inspection Agencies

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section
 505.2000 Standards for Design, Construction, Operation and Inspection
 505.2100 Registration Requirements
 505.2200 Inspection Certificates
 505.2300 Operation Requirements
 505.2400 Inspection Requirements
 505.2500 Repairs and Alterations
 505.2600 Code Case Applications
 505.2700 Use of Alternative Standards for Construction, Inspection and Repair
~~Issuance-of--Permits--and--Registration-of-Non-ASME-Code-Boilers-and-Pressure-Vessels--(State-Specials)~~
 505.2800 Authorized Inspectors
 505.2900 Authorized Inspection Agencies

AUTHORITY: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act (420 ILCS 5/8(a)(8)), Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and by Section 71(C) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(C)].

SOURCE: Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6453, effective APR 25 1996.

SUBPART A: GENERAL

Section 505.40 Standards Incorporated by Reference

The Department hereby adopts and incorporates by reference the following codes and standards.

- a) In accordance with the authority granted under Section 2a of the Act, the Department adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed below are incorporated into and constitute a part of the whole rules and regulations of the Department.

- 1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda editions through the ASME Boiler and Pressure Vessel Code, 1995 1992 Edition, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be

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traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000 of this Part. For more information see Sections 505.170, 505.1000 and 505.2000 of this Part.

- A) Section I, Rules for Construction of Power Boilers;
 B) Section II, Material Specifications
 Part A - Ferrous
 Part B - Nonferrous
 Part C - Welding Rods, Electrodes and Filler Metals
 Part D - Properties;
 C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 - Concrete Reactor Vessels and Containments;
 D) Section IV, Rules for Construction of Heating Boilers;
 E) Section V, Nondestructive Examination;
 F) Section VI, Recommended Rules for Care and Operation of Heating Boilers;
 G) Section VII, Recommended Guidelines for Care of Power Boilers;
 H) Section VIII, Rules for Construction of Pressure Vessels
 Division 1 - Including Appendix M
 Division 2 - Alternative Rules;
 Division 3 - Welding and Brazing Qualifications; and
 J) Section X, Fiberglass-Reinforced Plastic Pressure Vessels.
 2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a (10 CFR 50.55a), revised as of January 1, 1995 1993, including all limitations and modifications contained therein, for the following:
 A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 - Nuclear Power Plant Components; and
 B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 - Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The Department will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

- b) The Department adopts The National Board Inspection Code, 1992 edition with the 1992, 1993 and 1994 addenda, published by the National Board, except that in all cases "should" shall be read as "shall", "jurisdiction" shall be read as "Department" and reference to Chapter III within Chapter II shall be read as reference to Section Sections 505.150, 505.1500 or 505.2500 of this Part.

- c) The Department adopts the following nationally recognized standards and their addenda:

- 1) ASME CSD-1a, 1993 1988, Controls and Safety Devices for Automatically Fired Boilers--Part-CP-only--for-boilers--installed-or-reinstalled-after-January-17-1991-and-Section-GW-520;

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- 2) NPPA 8501-92, Single Burner Boilers - Furnaces;
- 3) NPPA 85-C, 1991, Multiple Burner Boilers - Furnaces; and
- 4) NPPA 85-F, 1988, Pulverized Fuel Systems.
- d) The Department adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626a-1991 addendum.
- AGENCY NOTE: The edition and addenda of ANSI/ASME N626 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.
- e) For documents included in subsections (a) through (d) of this Section above, the Department is incorporating only those editions and addenda indicated. The Department is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the Department offices, 1035 Outer Park Drive, Springfield, Illinois.
- AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

Section 505.50 Exemptions

The following exemptions to requirements in this Part shall be permitted except as defined below or as otherwise provided in this Part. The exemptions provided below in subsections (a)(1), (2), (3) and (4) of this Section shall not be permitted for ISI boilers and pressure vessels.

- a) Except as provided in Section 505.70 of this Part, the following boilers and pressure vessels shall be exempt from the requirements of this Part:

- 1) Those classes of pressure vessels not within the scope of ASME Code Section VIII, Division I as defined in the introduction under paragraph U-1.
- 2) Boilers and pressure vessels which have either a Limiting Condition for Operation (LCO) or a surveillance requirement in the plant's technical specifications.
- 3) Pressure vessels that do not exceed:
 - A) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly; or
 - B) A volume of 5 cubic feet and 250 psig when located in a place of public assembly; or
 - C) A volume of 1-1/2 cubic feet and 600 psig.
- 4) Water conditioning equipment used for removing minerals, chemicals, or organic or inorganic particulate from water by

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means other than application of heat, e.g., water softeners, water filters, dealkalizers and demineralizers, provided that:

- A) The temperature of such vessels is maintained below 212 degrees Fahrenheit;
- B) No heat is applied to the water after being placed into such vessels; and
- C) No heat is applied either directly or indirectly to such vessels.

- 5) Hot water supply boilers which are directly fired with oil, gas or electricity, when none of the following limitations are exceeded:
 - A) Heat input of 200,000 BTU/hr.; or
 - B) Water temperature of 200° F; or
 - C) Nominal water containing capacity of 120 gallons.

- 6) Coil type hot water boilers where the water can flash into steam when released directly to the atmosphere through a manually operated nozzle, provided the following conditions are met:
 - A) There is no drum, headers or other steam spaces;
 - B) No steam is generated within the coil;
 - C) Outside diameter of tubing does not exceed 1 inch;
 - D) Pipe size does not exceed 3/4 inch;
 - E) Water capacity of the unit does not exceed 6 U. S. gallons; and
 - F) Water temperature does not exceed 350° F.

- 7) ISI pressure vessels which have a surveillance requirement in the plant technical specifications or are continuously monitored or are routinely subjected to examinations and tests (e.g., visual examinations and pressure tests), other than those required in this Part but that are determined by the Department to give an assurance of structural integrity at least equal to that provided by the examinations and test required by this Part. Containers for liquefied petroleum gas that do not exceed a volume of 27000 Btu-5-gallons-except-when-used-for-dispensing-to-other-500-gallons-or-fuel-tanks-and containers.
- 8) Other boilers and pressure vessels listed under Section 5(a) of the Act.

- b) Boilers and pressure vessels listed under Section 5(b) of the Act shall be subject to the requirements of this Part (e.g., design, construction and registration) except for those requirements pertaining to inspection, Inspection Certificates and penalties for operating without a valid Inspection Certificate.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

Section 505.80 Administrative Review and Hearings - Inspection Certificates

This Section shall apply to all actions by the Department for noncompliance

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with this Part that potentially could impact upon the issuance, suspension or revocation of an Inspection Certificate required by this Part.

- a) When in any instance departmental review reveals that an owner may not be in compliance with one or more requirements of this Part, the Department will notify the owner in writing of those facts and circumstances known to the Department that give rise to the inference that the owner is not in compliance. If the facts and circumstances giving rise to the inference involve only boilers and pressure vessels that the NRC has determined are not within NRC's jurisdictional authority, subsection (c) of this Section below shall apply and subsection (b) of this Section below shall not apply. If the facts and circumstances giving rise to the inference involve any other boiler, pressure vessel or nuclear power system, subsection (b) of this Section below shall apply and subsection (c) of this Section below shall not apply.

- b) Simultaneously with the notification provided for in subsection (a) of this Section above, the Department will notify the NRC in writing of those facts and circumstances known to the Department that give rise to the inference that the owner is not in compliance. If the owner fails to demonstrate to the Department that the owner is in compliance within 10 days after the notification, the Department shall provide to the NRC a written request pursuant to 10 CFR 2.200 et seq. (1995) (1991), that the NRC take appropriate action, e.g., pursuant to 10 CFR, Part 2, Appendix C (1995) (1991). The request will specify the NRC action or actions that the Department is requesting.

- c) If the owner fails to demonstrate to the Department that the owner is in compliance within 10 days after the notification provided for in subsection (a) of this Section above, the Department shall issue a Preliminary Order and Notice of Opportunity for Hearing in accordance with 32 Ill. Adm. Code 200. The owner aggrieved by such order may within 15 days submit a written request for a hearing to the Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue to the owner an Order of Compliance or issue such other order as appropriate.

- 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying an application for, or suspending or revoking, an affected Inspection Certificate.

- d) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

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(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

Section 505.84 Administrative Review and Hearings - Special Permits

This Section shall apply to any action by the Department to deny an application for, or to suspend or revoke, a special permit for construction of a non-ASME Code boiler or pressure vessel pursuant to Section 505.2700 of this Part.

- a) An owner aggrieved by a Departmental denial pursuant to Section 505.2700(c)(5), (d)(5) and (e)(5) of this Part 667 or departmental action pursuant to Section 505.2700(c)(4), (d)(5) and (e)(5) of this Part 657 may within 15 days submit a written request for a hearing to the Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner was in compliance with the requirements of this Part or that the affected non-ASME boiler or pressure vessel meets the criteria of Section 505.2700(c) of this Part, the Director shall issue an order directing that the Special Permit be issued to the owner or organization.

- 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for, or suspending or revoking, a Special Permit.

- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

Section 505.110 Registration Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.

- b) The owner of a nuclear facility shall register with the Department all boilers and pressure vessels contained within or upon or in connection with the nuclear facility unless exempt under Section 505.50(a) of this Part, as follows:

- 1) For each boiler and pressure vessel already in operation and registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit on or before August 6, 1994 evidence supporting existing registration through the Office of the State Fire Marshal and the additional information required by Section Sections 505.1100 or 505.2100 of this Part, as

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applicable. Such evidence shall include the State serial number assigned to the boiler or pressure vessel, a description of the boiler or pressure vessel and the nuclear power system to which the boiler or pressure vessel belongs.

2) For each boiler and pressure vessel already in operation and not registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit on or before May 8, 1994 the information required by Section Sections 505.1100 or 505.2100 of this Part, as applicable.

3) For each boiler and pressure vessel installed after February 7, 1994, the owner shall register the boiler or pressure vessel prior to its operation in accordance with Section Sections 505.1100 or 505.2100 of this Part, as applicable.

c) After February 7, 1994, manufacturer's Data Reports shall be filed by the owner with the Department for new installation and reinstallation of boilers and pressure vessels at nuclear facilities unless otherwise exempted by Section 505.50(a) of this Part. If a boiler or pressure vessel is of special design or will not bear the ASME stamp, then the owner shall additionally comply with the requirements of Sections 505.170 and 505.1700 or Section 505.2700 of this Part for non-ASME Code ISI or non-ISI boilers and pressure vessels, respectively.

AGENCY NOTE: Data Reports as used in this subsection (c) refers to those documents completed as required by the construction code applicable to the boiler or pressure vessel.

d) Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. If a State serial number has not already been assigned by the OSFW, a number will be assigned by the Department and applied by the Authorized Inspector. Additionally, the ASME Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the Inspector.

e) The State serial number on boilers shall not be less than 5/16" in height and shall be preceded by the letters "ILL" which shall also be not less than 5/16" in height. ~~Boilers will be identified by a five digit number.~~ The State serial number on unfired pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U" which also shall be not less than 5/16" in height. ~~Unfired pressure vessels will be identified by a six digit number.~~ The Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel.

f) The requirements of subsections (d) and (e) of this Section above for the physical application of the State serial number may be waived if a system to identify the boiler or pressure vessel with the assigned State serial number has been established and the system of identification is acceptable to the Department. An alternative system for the identification of boilers and pressure vessels with assigned State serial numbers shall be acceptable to the Department if the

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alternative system readily and unambiguously allows the Department and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant system identification drawings provided to the Department.

g) A Certificate Inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation at a nuclear facility in this State. In a case where a boiler or pressure vessel is moved and reinstalled the fittings and appliances shall be upgraded to comply with the rules for new installations.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

Section 505.170 Use of Alternative Standards for Construction, Inspection and Repair Issuance of Permits--and--Registration--of--Non-ASME--Code--Boilers--and Pressure Vessels--(State-Specials) (general)

a) The Department may issue special permits for boilers and pressure vessels at nuclear facilities which for some reason were not constructed in accordance with the applicable ASME Code Section, or for some reason cannot be inspected or repaired in accordance with this Part. The Department shall issue special permits in accordance with Section 505.1700 or Section 505.2700 of this Part, as applicable.

b) Owners may request the Department to issue a special permit for a boiler or pressure vessel ~~an object~~ not constructed in accordance with the applicable ASME Code Section.

c) For boilers and pressure vessels using alternative standards for construction, upon ~~upon~~ completion of construction and installation, the owner shall register the non-ASME Code boiler or pressure vessel with the Department. The owner shall demonstrate compliance with the provisions of the special permit. The owner shall meet the applicable registration requirements for either ISI boilers and pressure vessels in Sections 505.1100 and 505.1200 of this Part or non-ISI boilers and pressure vessels in Sections 505.2100 and 505.2200 of this Part.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section 505.1700 Use of Alternative Standards for Construction, Inspection and Repair Issuance of Permits--and--Registration--of--Non-ASME--Code--Boilers--and Pressure Vessels--(State-Specials)

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- a) Approval to permit an owner to use alternative standards for construction, inspection or repair of an ISI boiler or pressure vessel is vested in the NRC. The Department shall accept alternative construction, inspection or repair standards that have been accepted by the NRC.
- b) Owners shall meet the requirements of Section 505.170 of this Part in all cases involving use of alternative standards for the construction of ISI boilers or pressure vessels.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section 505.2000 Standards for Design, Construction, Operation and Inspection

Non-ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a) of this Part, operated within or upon or in connection with a nuclear facility in Illinois, shall be designed, constructed, installed, examined, tested, repaired, altered and inspected as required by this Section, except in those cases where NRC has jurisdiction, as determined by NRC. Where NRC has jurisdiction, the codes and standards reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC shall apply. For non-ISI boilers and pressure vessels over which NRC has no jurisdiction, as determined by NRC, the standards required by this Part apply. If the NRC determines that NRC has jurisdiction, but has not established standards, the Department may propose to NRC that these or other standards be applied to such boilers and pressure vessels in nuclear power plants in Illinois.

- a) All new, existing and reinstalled non-ISI boilers, including related appurtenances, shall be designed, constructed, installed, examined, tested, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI boiler is moved and reinstalled, the fittings and appliances of that boiler shall comply with this Part.
- b) All non-ISI pressure vessels installed and placed in operation after December 31, 1976 and all reinstalled non-ISI pressure vessels, including related appurtenances, shall be designed, constructed, installed, tested, examined, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI pressure vessel is moved and reinstalled, the fittings and appliances of that pressure vessel shall comply with this Part.
- c) Non-ISI pressure vessels and related appurtenances installed and placed in operation at nuclear facilities on or before December 31, 1976 shall be inspected in accordance with this Part and designed,

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constructed, installed, tested, repaired and altered, in accordance with the following requirements.

1) The MAWP for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.

- 2) MAWP for Non-standard Pressure Vessels
- A) The MAWP of a non-standard pressure vessel subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part, as permitted below.

$$(TS^{*t}E)/(R^{*FS}) = MAWP, \text{ in psi, where:}$$

TS = ultimate tensile strength of shell plate, in psi.

When the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650° F.

t = minimum thickness of shell plate of weakest course, in inches.

E = efficiency of longitudinal joint, depending upon construction. Use the following values (in percents):

For Fusion-Welded and Brazed Joints:

Single lap welded.....40

Double lap welded.....60

Single butt welded.....60

Double butt welded.....75

Forge welded.....70

Brazed steel.....80

For riveted joints -- calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.

R = inside radius for weakest shell course, in inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

- B) The MAWP for cylindrical non-standard pressure vessels subject to external or collapsing pressure shall be determined by the rules in Par. UG-27 and UG-28 of the ASME Code Section VIII.

- C) The minimum factor of safety may be increased when deemed necessary by the Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be

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determining factors.

- D) The MAWP permitted for formed heads under pressure shall be determined by using the appropriate formulas from UG-32 or UG-33 of the ASME Code Section VIII and the tensile strength and efficiencies given above.

3) Containers-for-liquefied-petroleum-gas--not--otherwise---exempt shall-be-equipped--with--ASME-Code-stamped-spring-loaded-safety relief-valves-and-the-start-to-discharge-setting-of--such--safety relief-valves--with--retention--to--the--design--pressure--of--the container--shall-be-in--accordance--with--the--following--table:

Construction-Code	Minimum	Maximum
All-Section-VIII-ASME-Codes prior-to-and-including-the 1949-Edition, paragraphs-U-60 and-U-69	110-percent	125-percent
ASME-Code-Section-VIII including-the-1949-Edition and-later-editions, paragraphs U-300-and-U-301	100-percent	100-percent

- d) All non-ISI boilers and pressure vessels shall be inspected in accordance with Chapter II of the National Board Inspection Code and this subsection (d). The following general requirements shall apply to all non-ISI boilers and pressure vessels.

- 1) The owner shall prepare each boiler and pressure vessel for internal inspection in accordance with Chapter II of the National Board Inspection Code. The Authorized Inspector should not enter any boiler or pressure vessel before he is satisfied that all necessary safety precautions from Chapter II of the National Board Inspection Code have been taken, including testing the boiler or pressure vessel atmosphere for oxygen and toxic, flammable and inert gases.
- 2) The owner shall prepare for and apply the hydrostatic test, whenever necessary, on a date agreeable to the owner and the Authorized Inspector.

- e) All cases not specifically covered by this Part shall be treated as new installations. Existing non-ISI boilers and pressure vessels shall be governed by current ASME Code and National Board Inspection Code requirements or the requirements of the ASME Code in effect at the time of construction.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

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This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Department will take action in regard to an Inspection Certificate only in accordance with Section 505.80 of this Part. The Department shall issue Inspection Certificates for non-ISI boilers and pressure vessels in accordance with this Section if the reports, inspection criteria and plans required to be submitted by and identified in Sections 505.110 and 505.2100 of this Part and this Section are submitted in accordance with the frequencies specified therein and are in compliance with this Part.

- a) The Department shall issue one Inspection Certificate to each non-ISI boiler and pressure vessel for a term equal to the frequency of inspection of the non-ISI boiler or pressure vessel as follows:

- 1) Power boilers, high pressure water boilers and high temperature water boilers shall be inspected annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
- 2) Low pressure steam boilers, hot water heating boilers and hot water supply boilers shall be inspected every two years. Such inspection shall be internal and external, where conditions permit. An external inspection shall be conducted under representative operating conditions at the request of the Authorized Inspector.
- 3) Pressure vessels subject to internal corrosion shall be inspected every three years. Such inspection shall be external and internal, where conditions permit.
- 4) Pressure vessels not subject to internal corrosion shall be inspected as follows: externally-every-three-years.

A) Vessels containing incompressible fluids (e.g., water) shall be inspected externally every five years.

B) Vessels containing compressible fluids (e.g., air steam), or a combination of compressible and incompressible fluids, shall be inspected externally every three years.

- C) Alternatively, the owner may submit an inspection plan for the vessel for its remaining life based upon refueling outages. The basis for such an inspection plan may include alternative examinations and tests performed, past performance of the pressure vessel and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel and relevant engineering data.

AGENCY NOTE: External inspection may be waived by the Department due to inaccessibility of the equipment, based on the owner's detailed assessment of documentation and performance data verifying vessel integrity.

- 5) Inspection of flame safeguard equipment shall be to the standards

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of Section 505.40(c) of this Part and will be in conjunction with the regular inspection of boilers.

- 6) A grace period of 2 months beyond the period specified in subsection (a)(1) or (2) of this Section above, may elapse between internal inspections of the boiler while it is not under pressure and the external inspection of the boiler while it is under pressure.

b) ~~The date of issuance of the inspection certificate shall be the same as the inspection date shown on the completed Report of Inspection.~~

b) ~~The Department shall issue an initial inspection Certificate for a non-ISI boiler or pressure vessel as follows:~~

- 1) For non-ISI boilers and pressure vessels having a valid Inspection Certificate issued by the Office of the State Fire Marshal as of February 7, 1994, the Department shall automatically recognize such an Inspection Certificate until expiration or until the Department issues an Inspection Certificate in accordance with this Part, whichever is earlier. Application for an Inspection Certificate shall be in accordance with subsection (f) of this Section ~~fgt-below~~.

- 2) Owners of a non-ISI boiler or pressure vessel not yet in operation on February 7, 1994, shall, prior to operation of such a boiler or pressure vessel, have a valid Inspection Certificate issued by the Department in accordance with this Part. Application for an Inspection Certificate shall be in accordance with subsection (f) of this Section ~~fgt-below~~ except that the owner shall submit the documents listed in (f)(2) of this Section ~~fgt-below~~ at least 90 days prior to operating such a boiler or pressure vessel.

- 3) Owners of a non-ISI boiler or pressure vessel in operation on February 7, 1994 but not having a valid Inspection Certificate issued by the Office of the State Fire Marshal may not operate such a boiler or pressure vessel after August 6, 1994 without a valid Inspection Certificate issued by the Department in accordance with this Part. Requests for an Inspection Certificate shall be in accordance with subsection (f) of this Section ~~fgt-below~~ except that:

A) The owner shall submit the documents listed in subsection (f)(2)(A) of this Section ~~fgt-below~~ no later than 30 days prior to the end of the 180 day period.

B) The document submittals in subsection (f)(2)(B) of this Section ~~fgt-below~~ shall be those documents, if any, completed within the 3 year period prior to February 7, 1994. The owner shall submit such documents on or before May 8, 1994.

c) ~~For other than initial issuance of an Inspection Certificate in accordance with subsection (b) of this Section fgt-above, the Department shall issue an Inspection Certificate for each non-ISI boiler or pressure vessel at the nuclear facility in accordance with~~

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this Section when the Department determines that:

- 1) The inspections applied to the non-ISI boiler or pressure vessel were completed;
- 2) The Report of Inspection or similar report form was completed for the non-ISI boiler or pressure vessel and was submitted to the Department in accordance with subsection (f)(2) of this Section ~~fgt-below~~; and
- 3) All submittals in subsections (e) and (f) of this Section ~~fgt-and fgt-below~~ are met.

d) ~~The Department shall issue the Inspection Certificate within 90 days following receipt of the Report of Inspection on the non-ISI boiler or pressure vessel, or shall observe the procedures of subsection (g) of this Section fgt-below. The latter shall occur either within 90 days following receipt of the Report of Inspection or within 10 days following the expiration date of the Inspection Certificate.~~

e) ~~The Inspection Certificate issued for the non-ISI boiler or pressure vessel as established by this Section may be extended for a maximum of one year.~~

- 1) For boilers, other than power boilers, high pressure water boilers, high temperature water boilers and for pressure vessels, the owner shall request permission from the Department to extend the term of the Inspection Certificate prior to implementing the extension. The Department shall review a request for extension and permit such extension where the extension does not increase the risk to the health and public safety of the public and personnel.

- 2) For power boilers, high pressure water boilers and high temperature water boilers, the Department may extend, for a time not exceeding one year, the time within which the power boiler is required to be internally inspected, subject to the following conditions and qualifications:

A) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.

B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, crusting and sludge that affect the safety of the boiler.

C) The owner of such boilers shall maintain, for examination by the Inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records shall specify dates and times of analyses, by whom analyzed, and the treatment applied at that time and shall be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or

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other deterioration of the boiler or its parts.

- D) Application for extension shall be in writing setting forth facts establishing compliance with the foregoing conditions and qualifications and shall be accompanied by the report of external inspection.

§19 Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times. For each non-ISI boiler or pressure vessel, the owner shall submit the following:

- 1) The information required by Section 505.2100 of this Part;
- 2) On or before the expiration date of the Inspection Certificate issued to the non-ISI boiler or pressure vessel:
 - A) The completed Report of Inspection or similar report form documenting that the inspections were performed in accordance with the inspection criteria and frequency requirements of subsection (a) of this Section above and Section 505.2100 of this Part.
- B) All Code Data Reports and all other information related to the repair, replacement or alteration of the non-ISI boiler or pressure vessel or its appurtenances performed since the last Certificate Inspection.

§19 If the Department finds that:

- 1) The submittals and notifications required by subsections (e) and (f) of this Section ~~(f)~~ and ~~(g)~~ above have not been made or are incomplete; or
 - 2) The inspections required by this Section have not been performed or are incomplete; or
 - 3) A change to the inspection frequency applied to the non-ISI boiler or pressure vessel is not in accordance with subsection (e) of this Section ~~(f)~~ above; or
 - 4) The non-ISI boiler or pressure vessel was insured and the insurance has been canceled or has otherwise become ineffective; the Department shall take action under Section 505.80 of this Part.
- h)1 In addition to the above requirements, owners shall meet the requirements of Section 505.120 of this Part.

(Source: Amended at 20 Ill. Reg. 6455, effective APR 25 1996)

Section 505.2700 Use of Alternative Standards for Construction, Inspection and Repair ~~Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State-Specific)~~

- a) For all non-ISI boilers and pressure vessels, the Department shall

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determine the acceptability of the alternative standards in accordance with this Section.

- b) The Department shall automatically accept alternative construction standards that have been accepted by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents.

- c) For boilers and pressure vessels ~~When an owner contends that a boiler or pressure vessel~~, other than those covered by subsection (b) of this Section above, to be installed subsequent to February 7, 1994, to be ~~was not~~ constructed to alternative standards than the ~~in accordance with ASME Code standards~~, the owner may request the Department to issue a permit for the installation of a boiler or pressure vessel not constructed in accordance with the applicable ASME Code.

- 1) The owner shall submit the documentation described in this Section to the Department and obtain a special installation permit.

- 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be ~~was not~~ constructed in accordance with ASME Code standards. The owner shall also supply the following information to the Department for review and consideration of requests for a special installation permit:
 - A) Full details of design and construction showing equivalency to and departures from the ASME Code, including blueprints and material showing details of the construction;
 - B) Data relating to the physical and chemical properties of all materials used in construction;
 - C) Calculations showing how the MAWP was derived;
 - D) An authentic test record for all non-ASME Code materials used in construction; and
 - E) Other data as the owner deems relevant or as the Department may request in order to establish that the boiler or pressure vessel will be capable of operating as safely as one built to ASME Code standards.

- 3) The Department may issue special installation permits to a class of boilers or pressure vessels meeting the above criteria when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.

- 4) The Department may, as a condition to issuance of a special installation permit, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The Department will use relevant safety data in determining the need for installation of safety features or operating features.

- 5) If the Department denies ~~acts to deny~~ a request for a special permit, the owner may request a hearing pursuant to ~~it shall take action under~~ Section 505.84 of this Part.

- d) For boilers and pressure vessels, other than those covered by

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subsection (b) of this Section, to be inspected to standards other than those specified in this Part, the owner shall request the use of alternative standards.

- 1) The owner shall submit the documentation described in this Section to the Department and obtain permission to use the alternative standards.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be inspected in accordance with this Part.
 - 3) The Department may approve the use of alternative standards for inspection for a class of boilers or pressure vessels when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The Department may, as a condition of approval of the use of alternative standards for inspection, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The Department will use relevant safety data in determining the need for installation of safety features or operating features.
 - 5) If the Department denies a request for the use of alternative standards for inspection, the owner may request a hearing pursuant to Section 505.84 of this Part.
- e) For boilers and pressure vessels, other than those covered by subsection (b) of this Section, to be repaired to standards other than those specified in this Part, the owner shall request the use of alternative standards.
- 1) The owner shall submit the documentation described in this Section to the Department and obtain permission to use the alternative standards.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be repaired in accordance with this Part.
 - 3) The Department may approve the use of alternative standards for repair for a class of boilers or pressure vessels when it deems that the public interest would be best served by application of the alternative standards to the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The Department may, as a condition of approval of the use of alternative standards for repair, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The Department will use relevant safety data in determining the need for installation of safety features or operating features.
 - 5) If the Department denies a request for the use of alternative standards for repair, the owner may request a hearing pursuant to Section 505.84 of this Part.
- f) Owners shall meet the requirements of Section 505.170 of this Part in all cases involving use of alternative standards for the construction of non-ISI boilers or pressure vessels.

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(Source: Amended at 20 Ill. Reg. effective
APR 26 6455)

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: The Professional Engineering Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1380

3) Section Numbers: Adopted Action:

1380.240 Amendment
1380.250 Amendment
1380.280 Amendment
1380.APPENDIX A Amendment

4) Statutory Authority: The Professional Engineering Practice Act of 1989 [225 ILCS 325].

5) Effective Date of Amendments: April 25, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 25, 1996

9) Date Notice of Proposal Published in Illinois Register: February 16, 1996, at 20 Ill. Reg. 3050.

10) Has JCARR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: Sections 1380.240(a)(5), 1380.250(b)(2)(E) and 1380.280(a)(8) were restructured to clarify how applicants who graduated from engineering programs outside the United States and its territories can tell if they are required to provide proof that they passed the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) before they can obtain an Illinois license.

12) Have all the changes agreed upon by the Agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 8 of the Professional Engineering Practice Act of 1989 requires any applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English to submit certification of passage of the Test of English as a Foreign Language and the Test of Spoken English as defined by rule before taking the licensure examination. This

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rulemaking sets forth those procedures for all applicants applying after January 1, 1996, establishing a passing score of 550 for TOEFL and 50 for TSE.

The amendments also establish that applicants who received their education in a foreign country shall have the education evaluated, at their own expense, by the American Association of Collegiate Registrars and Admissions Officers.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380
 THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section	
1380.210	Approved Engineering Program
1380.220	Definition of Degree in Basic Engineering or Related Science
1380.230	Approved Experience
1380.240	Application for Enrollment as an Engineer Intern by Examination
1380.250	Application for Licensure as a Professional Engineer by Examination
1380.260	Examination
1380.270	Restoration
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Corporations and Partnerships
1380.300	Standards of Professional Conduct
1380.305	Professional Engineer Complaint Committee
1380.310	Renewals
1380.320	Granting Variances

APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15533, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 6479.

APR 25 1996

Section 1380.240 Application for Enrollment as an Engineer Intern by

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Examination

- a) An applicant for enrollment as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:

- 1) Either:
 - A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or
 - B) Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science evidenced by an official transcript of educational credit, and verification of at least 4 years of experience on form(s), completed by the supervisor.
- ii) An applicant shall have acquired the experience required by this Section prior to ~~PRIOR TO~~ applying to the Department;
- ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review the transcripts and evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1380.220.

- 2) The required fee specified in Section 20 of the Act;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university;
- 4) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to ~~PRIOR TO~~ receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act; Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- b) An applicant in an approved engineering program shall be eligible to

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be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she ~~he~~ is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she ~~he~~ fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Department has received certification of graduation, as required by subsection (a)(1)(A), above. If certification of graduation is not received within one year after the first examination is taken, the results of the examination(s) will be void and the examination will have to be retaken.

c) Upon receipt of the application and all supporting documentation in complete order:

- 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination;
- 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 20 Ill. Reg. 6477, effective APR 25 1996)

Section 1380.250 Application for Licensure as a Professional Engineer by Examination

a) Applicant enrolled as an Engineer Intern

- 1) An applicant shall have acquired all experience required by Section 1380.240 prior to ~~PRIER--TØ~~ making application to the Department.

2) An applicant for licensure as a professional engineer who is enrolled as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

- A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in basic engineering or related science, experience verification forms shall be completed for the entire 8 years of required experience.

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B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:

- i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
- ii) Completed college certification form showing degree received and, if the degree was not received from an approved engineering program, an official transcript of educational credit.

C) The required fee specified in Section 20 of the Act.

D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.

E) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.

3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

b) Applicant not enrolled as an Engineer Intern

- 1) An applicant shall have acquired all experience as required in Section 1380.240 prior to ~~PRIER--TØ~~ making application to the Department.

2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

A) Education Either:

- i) A degree from an approved Engineering Program. Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program, and completed experience verification form(s) completed by the supervisor, indicating the required 4 years of experience; or

- ii) A degree in Basic Engineering or Related Science. Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science; an official transcript of educational

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credit; and completed experience verification form(s) completed by the supervisor, indicating the required 8 years of experience.

iii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. The applicant shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review the evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1380.220.

- B) The required fee specified in Section 20 of the Act.
- C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.
- D) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to prior receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.
- E) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.
- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 20 Ill. Reg. **6477**, effective APR 25 1996)

Section 1380.280 Endorsement

- a) Any person who holds an unexpired certificate of registration or

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license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) The required fee specified in Section 20 of the Act;
- 2) Proof of meeting requirements substantially equivalent to those in force in this State state at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience;
- 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of such examinations; and
 - C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.
- 4) A complete work history, on forms provided by the Department.
- 5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.
- 6) In lieu of the documentation specified in subsections (a)(2), (3) and (5) above, an applicant may submit a current Council Record and Certification of Verification from NCEES.
- 7) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review the transcripts and evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1380.220.
- 8) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose

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Section 1380.APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

- a) July 20, 1945. The Illinois Professional Engineering Act became effective on July 20, 1945. Prior to that date, there was no legal requirement in Illinois governing the practice of Professional Engineering or requiring registration of engineers.
- b) July 20, 1946. That date terminated registration under the "Grandfather Clause," which exempted Illinois residents engaged in the practice of Professional Engineering from examination, unless affected by service in the armed forces of the United States including the Merchant Marine. Thereafter, full examination was required except as indicated under subsections (c) and (d), below.
- c) November 20, 1946. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were eligible for registration by examination of their record of education, experience, and substantiating evidence. Written examination was not required.
- d) July 20, 1950. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were required to take only Part II of the written examination for registration.
- e) Applicants originally licensed in New York or Pennsylvania prior to January 1, 1965, shall have their twelve-hour twelve-hour examination accepted for endorsement based on prior agreement.
- f) January 1, 1974. Prior to that date, an EIT applicant was eligible for examination upon proof of at least 4 years of study, training and experience.
- g) January 1, 1978. Prior to that date, an applicant who qualified with 8 years of combined education and experience would be admitted to the full examination.
- h) January 1, 1990 to January 1, 1994. An applicant seeking waiver of the fundamentals of engineering examination pursuant to Section 12(c) of the Act shall hold a doctoral degree from a graduate engineering program approved in accordance with Section 1380.210(f) and shall have demonstrated a broad knowledge of the fundamentals of engineering by successfully completing course work including 10 of the following subjects:
 - 1) Calculus
 - 2) Differential Equations
 - 3) Chemistry
 - 4) Physics
 - 5) Statistics
 - 6) Dynamics
 - 7) Materials Science or Structure of Matter
 - 8) Mechanics of Materials
 - 9) Electrical Circuits
 - 10) Fluid Mechanics

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first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.

- 9) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

10) Acceptable Experience

- A) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, prior to PRIOR-70 taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:
- i) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or
 - ii) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.

- B) Applicants not meeting the above requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.

- 11) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.

- b) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 20 Ill. Reg. _____, effective
APR 25 1996 6477)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 11) Thermodynamics
 12) Engineering Economics
 i) January 1, 1996. Proof of completion of the Test of English as a Foreign Language (TOEFL) with a score of 550 and Test of Spoken English (TSE) with a score of 50 for all applicants applying who graduated from an engineering program outside the United States or its territories and whose first language is not English.

(Source: Amended at 20 Ill. Reg. 6477, effective
APR 25 1996.)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Real Estate Appraiser Certification
 2) Code Citation: 68 Ill. Adm. Code 1455
 3) Section Number: Adopted Action:
 1455.15 Amendment
 4) Statutory Authority: Implementing and authorized by Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art. 2].
 5) Effective Date of Adopted Amendment: April 30, 1996
 6) Does this amendment contain an automatic repeal date? No
 7) Does this amendment contain incorporations by reference? Yes. The amendment updates an existing incorporation by reference.
 8) Date Filed in Agency's Principal Office: January 30, 1996
 9) Date Notice of Proposed Amendments was published in Illinois Register: February 16, 1996, 20 Ill. Reg. 3061
 10) Has JCAR issued a Statement of Objections to this rule? No
 11) Differences between proposal and final version: The only changes made were technical/formatting changes recommended by JCAR.
 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All the changes agreed upon by the Agency and JCAR have been made.
 13) Will this amendment replace emergency amendments currently in effect? No
 14) Are there any other proposed amendments pending on this Part? No
 15) Summary and Purpose of Rules: The amendment updates an existing incorporation by reference to the 1995 Uniform Standards of Professional Appraisal Practice (USPAP) to refer to the current 1996 edition of USPAP.
 16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
 Office of the Commissioner of Savings and Residential Finance
 500 East Monroe, Suite 800
 Springfield, IL 62701-1509
 (217) 782-6181

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER CERTIFICATION

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section	
1455.10	Definitions
1455.15	Uniform Standards of Professional Appraisal Practice
1455.16	Jurisdictional Exceptions/Supplemental Standards
1455.20	Education and Experience Requirements for State Licensed Real Estate Appraiser
1455.30	Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
1455.40	Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
1455.50	Examination
1455.60	Nonresident Licensure/Certification
1455.70	Nonresident/Temporary Practice

SUBPART B: EDUCATION PROVIDERS

Section	
1455.200	Approval of Education Providers/Courses
1455.205	Appraiser Continuing Education (CE)
1455.210	Fees - Education Providers/Courses (Repealed)

SUBPART C: GENERAL

Section	
1455.300	Renewals
1455.305	Fees
1455.310	Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art. 2] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994,

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for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6490, effective APR 30 1996.

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section 1455.15 Uniform Standards of Professional Appraisal Practice

- a) The 1996 1995 Uniform Standards of Professional Appraisal Practice (USPAP), adopted January 1, 1996 July--17--1995, by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, are hereby incorporated by reference with no later amendments or editions.
- b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards except where the standard(s) is contrary to Illinois Law or public policy (USPAP, Jurisdictional Exception). Supplemental standards applicable to appraisals for specific purposes or property types may be issued by public agencies and certain client groups (e.g., regulatory agencies, eminent domain authorities, asset managers and financial institutions), provided that such supplemental standard(s) does not diminish the purpose, intent or content of the requirements of the USPAP.

- c) A copy of USPAP is available for inspection in the Office of Real Estate Appraisal Administration Administrator's Office, Office of the Commissioner of Savings and Residential Finance Department--of Professional--Regulation, located at 500 East Monroe, Suite 500 320 West--Washington, Springfield, Illinois 62701 62786 and may be purchased at cost from the Department, if available; and is available for purchase from the Appraisal Standards Board of the Appraisal Foundation.

(Source: Amended 1996 at 6490, effective APR 30 1996)
20 Ill. Reg. 6490, effective

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Real Estate License Act of 1983
- 2) Code Citation: 68 Ill. Adm. Code 1450
- 3) Section Number: Adopted Action:
1450.95 New Section
- 4) Statutory Authority:
Implementing the Real Estate License Act of 1983 [225 ILCS 455] and authorized by Section 9 of the Real Estate License Act of 1983 [225 ILCS 455/9].
- 5) Effective Date of Adopted Amendment: April 30, 1996
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 24, 1996
- 9) Date Notice of Proposed Amendments was published in Illinois Register: February 9, 1996, 20 Ill. Reg. 2330
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version:
Based on comments received during the First Notice Period, Section 1450.95 (b)(18) was changed to clarify that scheduling appointments does not include activities by an unlicensed assistant to solicit business on behalf of an employing licensee. The only other changes made were technical/formatting changes recommended by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
All the changes agreed upon by the Agency and JCAR have been made.
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules:

The amendment sets forth examples of administrative, clerical, or personal activities which unlicensed assistants of licensees under the Act may or may not perform. There have been questions from the industry concerning appropriate activities for unlicensed assistants and the amendment is intended to provide guidance in that regard. The lists are illustrative and declarative of existing law and are not intended to increase or decrease the scope of activities for which a license is required under the

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450

REAL ESTATE LICENSE ACT OF 1983

SUBPART A: GENERAL RULES

Section	Definitions
1450.10	Educational Requirement of Broker Applicant Licensed as an Illinois
1450.11	Real Estate Salesperson (Renumbered)
1450.12	Educational Requirements for a Baccalaureate Degree with a Minor in
	Coursework in Real Estate (Renumbered)
1450.15	Salesperson and Broker Examinations
1450.17	Applications for Salespersons and Brokers Licenses by Examination
1450.18	Sponsor Card
1450.19	Inoperative Salespersons and Brokers Licenses
1450.20	Managing Broker Responsibilities
1450.25	Branch Offices
1450.30	Corporations and Partnerships
1450.40	Special Accounts (Escrow Accounts)
1450.45	Fees
1450.50	Disclosure
1450.55	Agency Disclosure Pursuant to Section 18.2 of the Act
1450.60	Employment Contracts
1450.70	Listing Agreements
1450.80	Written Agreements
1450.90	Advertising
1450.95	Unlicensed Assistants
1450.100	Discrimination
1450.110	Unworthiness or Incompetence to Act as a Broker or Salesperson
1450.120	Hearings
1450.140	Assumed Name
1450.150	Reciprocal Licensure
1450.170	Rental Finding Services
1450.175	Continuing Education
1450.180	Renewals
1450.185	Granting Variances
1450.190	Procedure to Contest An Automatic Termination
1450.195	Penalties for Criminal Acts
1450.200	Real Estate Recovery Fund

SUBPART B: SCHOOL RULES

Section	Approval of Schools (Repealed)
1450.210	

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Act.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:
John Arthur
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509
217/782-6181

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

- 1450.215 Home Study/Correspondence Programs
 1450.220 Definition of Class Hour and Credit Hour (Repealed)
 1450.230 Educational Requirement of Broker Applicant Who is a Licensed Illinois Real Estate Salesperson (Renumbered)
 1450.240 Class Attendance Requirements
 1450.250 Requirements for Minor in Real Estate (Renumbered)
 1450.260 Qualification of Applicants Under 21 Years of Age (Repealed)
 1450.270 Educational Requirements for Reinstatement of License (Repealed)
 1450.275 Recruitment at Test Center
 1450.280 Approval of Schools
 1450.290 Withdrawal of Approval

APPENDIX A Penalties for Criminal Acts (Repealed)

AUTHORITY: Subpart A implementing Sections 9 and 15 of the Real Estate License Act of 1983 [225 ILCS 455/9 and 15] (see P.A. 89-23, effective July 1, 1995), and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]; Subpart B implementing Sections 4(17) and 11 of the Real Estate License Act of 1983 [225 ILCS 445/4(17) and 11] (see P.A. 89-23) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16623, effective December 1, 1995; amended at 20 Ill. Reg. 6490, effective APR 20 1996.

SUBPART A: GENERAL RULES

Section 1450.95 Unlicensed Assistants

- a) Licensees under the Act may employ, or otherwise utilize the services

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of. unlicensed assistants to assist them with administrative, clerical, or personal activities for which a license under the Act is not required.

- b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of existing law and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may:
- 1) answer the telephone, take messages, and forward calls to a licensee;
 - 2) submit listings and changes to a multiple listing service;
 - 3) follow up on a transaction after a contract has been signed;
 - 4) assemble documents for a closing;
 - 5) secure public information from a courthouse, sewer district, water district, or other repository of public information;
 - 6) have keys made for a company listing;
 - 7) draft advertising copy and promotional materials for approval by a licensee;
 - 8) place advertising;
 - 9) record and deposit earnest money, security deposits, and rents;
 - 10) complete contract forms with business and factual information at the direction of and with approval by a licensee;
 - 11) monitor licenses and personnel files;
 - 12) compute commission checks and perform bookkeeping activities;
 - 13) place signs on property;
 - 14) order items of routine repair as directed by a licensee;
 - 15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;
 - 16) act as a courier to deliver documents, pick up keys, etc.;
 - 17) place routine telephone calls on late rent payments;
 - 18) schedule appointments for the licensee (this does not include making phone calls, telemarketing, or performing other activities to solicit business on behalf of the licensee);
 - 19) respond to questions by quoting directly from published information;
 - 20) gather feedback on showings; and
 - 21) perform other administrative, clerical, and personal activities for which a license under the Act is not required.
- c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of existing law and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:
- 1) host open houses, kiosks, or home show booths or fairs;
 - 2) show property;

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- 3) Interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;
 - 4) explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee's firm;
 - 5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or
 - 6) perform any other activity for which a license under the Act is required.
- d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.
- e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.

(Source: Added at 20 Ill. Reg. 6490, effective APP 30 1996)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:
112.251 Amendment
112.252 Amendment
112.253 Amendment
112.254 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 89-6.
- 5) Effective Date of Amendments: April 29, 1996
- 6) Does this Rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 29, 1996
- 9) Notice of Proposal Published in Illinois Register: July 21, 1995 (19 Ill. Reg. 10363)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
 1. In Section 112.251(a)(1), "except as specified below," was changed to "except as specified in subsection (b) below,"
 2. Sections 112.251(b), 112.252(e), 112.253(e), and 112.254(e) were rewritten as follows:

"Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap."
 3. Sections 112.251(b)(2)(B), 112.252(e)(2)(B), 112.253(e)(2)(B), and 112.254(e)(2)(B), were rewritten as follows:

DEPARTMENT OF PUBLIC AID

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"for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996)."

4. In Sections 112.251(b)(2)(D), 112.252(e)(2)(D), 112.253(e)(2)(D), and 112.254(e)(2)(D), "or" was deleted.

5. In Sections 112.251(b)(2)(E), 112.252(e)(2)(E), 112.253(e)(2)(E), and 112.254(e)(2)(E), the period was deleted and replaced by "; or".

6. Sections 112.252(b)(2)(F), 112.252(e)(2)(F), 112.253(e)(2)(F) and 112.254(e)(2)(F), were added as follows:

"the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent."

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? Yes

- 14) Are there any amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.30	Amendment	February 9, 1996 (20 Ill. Reg. 2336)
112.71	Amendment	February 23, 1996 (20 Ill. Reg. 3461)
112.98	New Section	April 26, 1995 (20 Ill. Reg. 5965)

- 15) Summary and Purpose of Rulemaking: Pursuant to Public Act 89-6, the Department is making changes in the Aid to Families with Dependent Children (AFDC) program. These amendments establish that effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to the assistance unit. The cash assistance will be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups will be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care will not be included in the cap. This rulemaking provides that cash assistance will not increase for an assistance unit that fails to comply with eligibility requirements or an assistance unit that voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months. However, an

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increase in the payment level will be allowed if:

- 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 - 2) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
 - 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
 - 4) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
 - 5) the child was born as a result of a verified rape or incest; or
 - 6) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.
- These adopted amendments do not prevent an assistance unit from receiving a general increase in the amount of aid that is provided to all recipients. This rulemaking also deletes references to "grandfathered" payment levels as they have been phased out. Related changes have also been adopted in 89 Ill. Adm. Code 170.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent
112.65 Employment Plan
112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility for JOBS
112.82 JOBS Supportive Services
112.83 Young Parent's Program

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Work Experience Evaluation Project
Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.84 Project Advance
112.86 Project Advance Experimental and Control Groups
112.87 Project Advance Participation Requirements of Experimental Group
112.88 Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group
112.90 Members and Adjudicated Fathers
112.91 Project Advance Sanctions
112.93 Good Cause for Failure to Comply with Project Advance
112.95 Individuals Exempt From Project Advance
Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section

112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section

112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of

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Corrections Facilities

SUBPART J: CHILD CARE

Section
 112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
 112.362 Additional Service to Secure or Maintain Child Care Arrangements
 112.364 Rates of Payment for Child Care
 112.366 Method of Providing Child Care
 112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
 112.406 Loss of Eligibility for Transitional Child Care
 112.408 Qualified Child Care Providers
 112.410 Notification of Available Services
 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12,

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p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984;

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peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 19, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September

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16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at

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20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. **6498**, effective APR 29 1996.

SUBPART H: PAYMENT AMOUNTS

Section 112.251 Payment Levels in AFDC

a) The Payment Levels for AFDC are flat, monthly standard amounts. The amount for an assistance unit is based in three variables:

- 1) The number in the assistance unit except as specified in subsection (b) below;
 - 2) The presence or absence of an adult in the assistance unit, and
 - 3) The grouping of the county in which the assistance unit lives.
- b) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

- A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
- C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment;
- D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or

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- F) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.
- C) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.
- d) All rounding in determining payment levels is done by rounding down to the next whole dollar amount.

(Source: Amended at 20 Ill. Reg. effective
APR 29 1994) **6498**

Section 112.252 Payment Levels in AFDC Group I Counties

- a) The following Payment Levels are established for the AFDC Program in Group I Counties.
- b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
DuPage	McHenry	

SIZE OF ASSIS- TANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN) CURRENT	CHILD(REN) ONLY CURRENT	GRANDFATHERED GRANDFATHERED
1	212	102	
2	278	201	
3	377	249	
4	414	319	
5	485	379	
6	545	407	417
7	574	438	
8	604	469	
9	635	503	
10	669	538	649
11	705	576	700
12	741	614	
13	781		
14	822		
15	866		
16	911		
17	959		
18	1010		

- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50.00 or \$38.00 respectively for each person above 18 or 12.

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- d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.
- e) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.
- 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
- A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
- C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
- D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
- F) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.
- F) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.
- e) For assistance units which contain both caretaker relatives and children and which contain nine or more persons, two payment levels are established: current and grandfathered. Likewise, for assistance units with children only and which contain eight or

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more--persons--two--payment--levels--are--established--Current--and Grandfathered;
i) Grandfathered Payment Levels apply for families who are at--that family size as of January 1, 1987--those families will remain at that--Payment Level until there is a change in family composition or the family goes off the assistance rolls--if--such--a--family changes--family--composition--(adds--a--member--or--loses--a--member)--thereafter the Current Payment Level for the appropriate--family size will be used--if--such--a--family goes off assistance--and--then comes--back--on--the--family will come back on the assistance rolls at the Current Payment Level for the appropriate--family--size--the--Payment--will--not--withdraw--Grandfathered--status--if--a change in family composition is rescinded--or--if--an--assistance unit is erroneously cancelled--and--then--reinstated;
2) Current Payment Levels are the regular Payment Levels used by the Department--and--shall--be--used--for--all--persons--except--those--who meet the criteria of subsection (e)(1) above.

(Source: Amended at 20 Ill. Reg. 6498, effective APR 29 1986)

Section 112.253 Payment Levels in AFDC Group II Counties

- a) The following Payment Levels are established for the AFDC Program in Group II Counties.
b) The counties included in AFDC Group II are:

Adams	Henry	Macoupin	Putnam
Bureau	Iroquois	Madison	Rock Island
Carroll	Jackson	McDonough	Sangamon
Clinton	Jo Daviess	McLean	St. Clair
Coles	Knox	Mercer	Stephenson
Dewitt	LaSalle	Monroe	Tazewell
Douglas	Lee	Moultrie	Vermilion
Effingham	Livingston	Peoria	Wabash
Ford	Logan	Piatt	Warren
Fulton	Macon		Will
Grundy			

SIZE OF ASSIS- TANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)	
	CURRENT	CHILD(REN) ONLY CURRENT GRANDFATHERED
1	204	97
2	269	194
3	365	242
4	403	311

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- 5 471 369
6 529 397
7 557 427
8 588 459
9 619 491
10 651 525
11 685 561
12 721 599
13 760
14 799
15 841
16 886
17 934
18 982
- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.
d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.
e) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

- 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication.

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- D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
- F) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.

f) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

e) For assistance units which contain both caretaker relatives and children and which contain nine or more persons, two payment levels are established: Current and Grandfathered. Likewise, for assistance units with children only, and which contain six or more persons, two payment levels are established: Current and Grandfathered.

2) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987, whose families will remain at that payment level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter, the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw a grandfathered status is a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 20 Ill. Reg. 6498, effective APR 29 1996)

Section 112.254 Payment Levels in AFDC Group III Counties

- a) The following Payment Levels are established for the AFDC program in Group III Counties.
- b) The counties included in Group III are:

Alexander	Fayette	Lawrence	Richland
Bond	Franklin	Marion	Saline
Brown	Gallatin	Marshall	Schuyler

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Calhoun	Greene	Mason	Scott
Cass	Hamilton	Massac	Shelby
Christian	Hancock	Menard	Stark
Clark	Hardin	Montgomery	Union
Clay	Henderson	Perry	Washington
Crawford	Jasper	Pike	Wayne
Cumberland	Jefferson	Pope	White
Edgar	Jersey	Pulaski	Williamson
Edwards	Johnson	Randolph	

SIZE OF TANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN) CURRENT	CHILD(REN) ONLY CURRENT
1	173	94
2	257	188
3	349	237
4	389	302
5	453	359
6	511	387
7	538	414
8	566	445
9	597	477
10	628	510
11	662	545
12	696	581
13	733	
14	771	
15	812	
16	855	
17	900	
18	948	

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit.

The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not

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included in the cap.

1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;

B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);

C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;

D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;

E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or

F) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.

f) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

e) For an assistance unit which contains both caretaker relatives and children of eleven or fifty persons, two payment levels are established: Current and Grandfathered.

1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member) thereafter, the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw Grandfathered status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who

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meet the criteria of subsection (e)(1) above.

(Source: Amended at 20 Ill. Reg. 6498, effective APR 29 1996)

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- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Numbers:
Adopted Action:
New Section
170.350
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13] and P.A. 89-6.
- 5) Effective Date of Amendments: April 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 29, 1996
- 9) Notice of Proposal Published in Illinois Register: July 21, 1995 (19 Ill. Reg. 10381)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. Section 170.350(a) was rewritten as follows:

"Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap."

2. Section 170.350(c)(2), was rewritten as follows:

"for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);"

3. In Section 170.350(c)(4), "or" was deleted.

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4. In Section 170.350(c)(5), the period was deleted and replaced by "or".
5. Section 170.350(c)(6), was added as follows:
"the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent."
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

170.410 New Section April 26, 1996 (20 Ill. Reg. 5977)

- 15) Summary and Purpose of Rulemaking: Pursuant to Public Act 89-6, the Department is making changes in the Aid to Families with Dependent Children (AFDC) program. Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. In the research sites only, cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

This rulemaking provides that cash assistance will not increase for an assistance unit that fails to comply with eligibility requirements or an assistance unit that voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months. However, an increase in the payment level will be allowed if:

- 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- 2) for cases active as of January 1, 1996, the birth occurs within ten months of the date of implementation (by October 31, 1996);
- 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

months of ineligibility have passed before any reapplication;

- 4) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
- 5) the child was born as a result of a verified rape or incest; or
- 6) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.

These amendments do not prevent an assistance unit from receiving a general increase in the amount of aid that is provided to all recipients. Related changes have also been adopted in 89 Ill. Adm. Code 112.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section
170.10
170.20
170.30
170.40
170.50

Youth Employment and Training Initiative
Paternal Involvement Project
Homeless Families Support Project
Family Responsibility Project
Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section
170.100
170.110
170.120
170.130

The Career Advancement Program
Career Advancement Experimental and Control Groups
Career Advancement Participation Requirements of Experimental Group Members
Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section
170.200

Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Section
170.250

Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

Section
170.300

Truancy Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section
170.350
170.360
170.370
170.380

Family Accountability
Get a Job Initiative
Targeted Work Initiative (TWI)
Quarterly Reporting-Failure to Report Employment Demonstration

DEPARTMENT OF PUBLIC AID

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170.390 Employment Plan Demonstration Project

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

Section

170.400 Retinal Scanning

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) DEMONSTRATION PROGRAM

170.450 Young Parent Services South Home Visitor Demonstration (Project Link)

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 866, effective January 1, 1996; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5685, effective March 30, 1996; amended at 20 Ill. Reg. 6029, effective April 12, 1996; amended at 20 Ill. Reg. 6517, effective April 29, 1996.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.350 Family Accountability

- a) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.
- b) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

eligible for cash assistance within nine months.

- c) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
- 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 - 2) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
 - 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
 - 4) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
 - 5) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
 - 6) the child (including all children in the case of multiple births) was born to a minor included in an AFDC grant who became a first-time minor parent.
 - d) In three-generation assistance units, if the minor parent in the assistance unit requests that they be made the grantee, the former caretaker relative or caretaker relatives cannot be included in the minor grantee's assistance unit as an essential person.
 - e) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

(Source: Added at 20 Ill. Reg. 6517, effective April 29 1996)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
 590.500 Repealed
 590.510 Repealed
 590.520 Repealed
 590.530 Repealed
 590.540 Repealed
 590.550 Repealed
 590.560 Repealed
 590.570 Repealed
 590.580 Repealed
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3) and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).
- 5) Effective Date of Rulemaking: April 18, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 18, 1996
- 9) Notice of Proposal Published in Illinois Register: November 13, 1995, 19 Ill. Reg. 15366
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No differences exist.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
590.720	Amendments	19 Ill. Reg. 3071
590.460	Amendments	19 Ill. Reg. 15366
590.470	Amendments	19 Ill. Reg. 15366
590.480	Amendments	19 Ill. Reg. 15366
590.490	Amendments	19 Ill. Reg. 15366

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking:
 As all funds for the program have been depleted and all equipment is now obsolete, is no longer usable, or has otherwise been disposed of, this program is no longer in operation. Therefore, repeal of these sections is appropriate.
- 16) Information and questions regarding these adopted amendments shall be directed to:
 Name: Ms. Susan Warner, Manager
 Address: Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-3896
 Telephone: (217) 785-3896
 TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
 590.20 Availability of Services
 590.30 Effect of Financial Status on Services
 590.35 Effect of Comparable Benefits
 590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
 590.60 Qualification of Medical and Psychological Service Providers
 590.70 Treatment of Acute Conditions
 590.80 Medication and Treatment
 590.90 Hearing Aids
 590.100 Binaural Hearing Aids
 590.110 Speech and Language Services
 590.120 Low Vision Aids
 590.130 Mental Restoration Services
 590.140 Heart Surgeries
 590.150 Kidney Transplant and Related Services
 590.160 Chiropractic Services
 590.170 Prosthetic and Orthotic Device
 590.180 Wheelchairs
 590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
 590.210 Qualification of Training Facilities/Institutions
 590.220 Purpose and Types of Training
 590.230 Financial Guidelines for Training Services
 590.240 Graduate School Training
 590.250 Choice of Training Facility/Institution
 590.260 Summer School
 590.270 Grades
 590.280 Health Status
 590.290 On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
 590.320 Self-Employment Program
 590.330 Services/Goods not Available
 590.340 Bidding Requirements
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
 590.360 Transfer of Title
 590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
 590.380 Vendor Requirements
 590.390 Bidding Requirements
 590.400 Vehicle Adaptation
 590.410 DORS Financial Participation in Van Adaptation
 590.420 Environmental Modification
 590.430 Written Agreements for Environmental Modification
 590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
 590.460 Types of Services
 590.470 Services
 590.480 Qualifications for Services Provided by Individuals
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services (Repealed)
 590.510 Definitions (Repealed)
 590.520 Purpose of Equipment Loans (Repealed)
 590.530 Criteria for Loan of Equipment/Aids (Repealed)
 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
 590.550 Duration of Loans (Repealed)
 590.560 Maintenance and Return of Equipment/Aids (Repealed)
 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
 590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: OTHER SERVICES

Section
590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets

SUBPART I: PLACEMENT

Section
590.630 Provision of Placement Services
590.640 Description of Services

SUBPART J: MAINTENANCE

Section
590.650 Provision of Services
590.660 Definitions
590.670 Determination of the Need for Maintenance
590.675 Determination of Client Financial Participation in Maintenance
590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services
590.710 Definitions
590.720 Scope of Services

SUBPART L: TRANSITION

590.730 Provision of Services
590.740 Definitions
590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6523, effective APR 18 1996.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section 590.500 Provision of Services (Repealed)

BERS shall loan accessible computer equipment and sensory aids purchased through appropriations from the Assistance to the Blind Fund to individuals who are blind or visually impaired pursuant to the provisions of this Subpart. The provisions of Subpart A of this Part shall not apply.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996.)

Section 590.510 Definitions (Repealed)

For the purpose of this Subpart, the following terms shall have the following meanings:

- a) Accessible--Computer--Equipment--(Equipment)---specially-designed-and adapted computer hardware and software designed to enable individuals who are blind or visually impaired to use the equipment.
- b) Sensory--Aids--(Aids)---Adaptive devices used to minimize or overcome the limitations of visual impairment--(e.g., refreshable Braille display, speech synthesizer, etc.).

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996.)

Section 590.520 Purpose of Equipment Loans (Repealed)

BERS shall loan available equipment (see 89 Ill. Adm. Code 590.570) for the purpose of enabling an individual to overcome an impediment to employment.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996.)

Section 590.530 Criteria for Loan of Equipment/Aids (Repealed)

Equipment/Aids may be loaned to eligible individuals for the following purposes:

- a) in emergency situations when the individual's own Equipment/Aids is/are being repaired or replaced;
- b) on a trial basis to assess the usefulness to the individual of the Equipment/Aids;
- c) while the individual is involved in an employer training program or during a time-limited probationary period that may lead to permanent employment;
- d) in a permanent employment situation until the employer can purchase similar Equipment/Aids;
- e) for demonstration purposes for persons who are blind or visually

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- impaired; or
 f) in an educational situation until similar Equipment/Aids can be purchased.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996)

Section 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)

- a) BORS shall loan Equipment/Aids under the following order of priority:
 Order of Selection (89-III-Adm-Code-553-140) shall not be followed for the purposes of this Subpart:
 1) citizens of the VR program receiving services under the provisions of 89-III-Adm-Code-553 and Subpart A of this Part who are blind or visually impaired and require such Equipment/Aids to obtain or retain employment;
 2) employees of the State of Illinois who are blind or visually impaired;
 3) residents of Illinois who require the Equipment/Aids to obtain or retain employment;
 4) full-time students who are blind or visually impaired who require the Equipment/Aids for educational purposes;
 b) All requests for the loan of Equipment/Aids must be in writing to the Program Coordinator, Bureau of Blind Services and must include a completed BORS ASSESSMENT (IL-400-1999);
 c) Determination as to whether to loan Equipment/Aids shall be based on subsection (a) above and the justification and plan to replace the Equipment/Aids which shall be submitted as part of the request; if the individual to whom the equipment is loaned is a client of the VR Program, the plan to replace the equipment must be included in the client's INRP.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996)

Section 590.550 Duration of Loans (Repealed)

- Equipment/Aids may be loaned for a period of 60 calendar days and may be extended an additional 30 days upon the written approval of the Program Manager, Bureau of Blind Services. BORS may extend the term of the loan if:
 a) no other client, employee or student as listed in subsection 590.540(a)(1)(4) needs the equipment; and
 b) the borrower demonstrates a continued need for the Equipment/Aids.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996)

DEPARTMENT OF REHABILITATION SERVICES

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Section 590.560 Maintenance and Return of Equipment/Aids (Repealed)

- a) Maintenance of any loaned Equipment/Aids shall be the responsibility of the borrower;
 b) All Equipment/Aids shall be returned to BORS in good working order and condition at the borrower's expense;
 c) Responsibility for repair or replacement costs for Equipment/Aids which is not in good working order shall be the responsibility of the borrower unless the malfunction is the result of normal wear and tear. Normal wear and tear shall be determined by the manufacturer of the Equipment/Aids or by the manufacturer's authorized service area representative;
 d) The borrower shall be held responsible for the total replacement cost of any Equipment/Aids not returned to BORS by the specified date; and BORS may take necessary steps including going into county to recover the costs.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996)

Section 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)

- Obtaining permanent Equipment/Aids is the responsibility of the borrower; however, BORS Bureau of Blind Services shall assist the borrower in the determination of appropriate Equipment/Aids needs and assist in the coordination of the purchase of such Equipment/Aids as appropriate.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996)

Section 590.580 Limitations on Available Equipment/Aids (Repealed)

- Only equipment designated as loan equipment and maintained on a current inventory list by BORS Bureau of Blind Services shall be available for loan by BORS.

(Source: Repealed at 20 Ill. Reg. 6523, effective APR 18 1996)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers: Adopted Action:
177.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Rulemaking: April 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: April 30, 1996
- 9) Notice of Proposal Published in Illinois Register: December 29, 1995; 19 Ill. Reg. 16881
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department corrected the ILCS citation in the Authority Note by changing the open paren to an open bracket and including a slash.

The Department corrected the phone number on the Notice.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 177, as of October 1, 1994, and including the federal rulemaking adopted at 59 FR 67390, December 29, 1994; and 60 FR 50292, September 28, 1995.

The Department's regulations incorporate changes made in the following Docket:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Docket HM-215A (59 FR 67390, December 29, 1994) amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-169A (60 FR 50292, September 28, 1995) amends the Hazardous Materials Regulations pertaining to the transportation of radioactive materials to harmonize them with the International Atomic Energy Agency. The intended effect is to increase the level of safety and facilitate international commerce concerning the transportation of radioactive materials.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177

CARRIAGE BY PUBLIC HIGHWAY

Section

177.1000

General

177.2000 Incorporation By Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective APR 2 1996.

Section 177.2000 Incorporation By Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1994 1992; as amended at 59 FR 67390, December 29, 1994; and as amended at 60 FR 50292, September 28, 1995 57-PR-465137-October--19--1992--as--amended--at--57--PR--59388; December--15--1992--as--amended--at--58-PR-59507-January-227-1993--as amended-at-58-PR-592247-September-247-1993--as-amended-at-58-PR-504967 September-277--1993, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

DEPARTMENT OF TRANSPORTATION

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- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

(Source: Amended at 20 Ill. Reg. 6531, effective APR 2 1996)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Numbers: 180.2000
Adopted Action:
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Rulemaking: April 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: April 30, 1996
- 9) Notice of Proposal Published in Illinois Register: December 29, 1995, 19 Ill. Reg. 16885
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

The Department corrected the phone number on the Notice.

The Department added a semicolon after "April 5, 1995" in the first paragraph of the summary and purpose of rules.

In Section 180.2000(a) and (b)(4), the word "material" is now plural.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 180, as of October 1, 1994, and including the federal rulemakings adopted at 59 FR 55162, November 3, 1994; 60 FR 17398, April 5, 1995; and 60 FR 49048, September 21, 1995.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department's regulations incorporate changes made in the following Dockets:

Docket HM-183C (59 FR 55162, November 3, 1994) amends certain requirements for the manufacture, qualification and maintenance of cargo tank motor vehicles.

Docket HM-183C (60 FR 17398, April 5, 1995) amends the final rule of November 3, 1994 to revise design loading requirements for MC 331 cargo tank motor vehicles. These revisions also make other minor editorial and technical changes.

Docket HM-175A and HM-201 (60 FR 49048, September 21, 1995) amends the regulations to enhance the safe transportation of hazardous materials in tank cars. These revisions are intended to improve crashworthiness of tank cars and to increase the probability of detecting tank car defects.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendment begins on the next page:

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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

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TITLE 92: TRANSPORTATION

materials.

CHAPTER I: DEPARTMENT OF TRANSPORTATION

(Source: Amended at 20 Ill. Reg. 6535, effective

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

APR 30 1996)

PART 180

CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section

180.1000 General

180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at 16 Ill. Reg. 11847, effective July 13, 1992; amended at 18 Ill. Reg. 7857, effective May 6, 1994; amended at 20 Ill. Reg. 6535, effective APR 30 1996.

Section 180.2000 Incorporation by Reference of 49 CFR 180

a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that Part of the federal hazardous materials ~~material~~ transportation regulations was in effect on October 1, 1994 1992; as amended at 59 FR 55162, November 3, 1994; as amended at 60 FR 17398, April 5, 1995; and as amended at 60 FR 49048, September 21, 1995 58-PR-12964; ~~March-87~~ ~~1993-as-amended-at-58-PR-58224-September-24-1993~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175, 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials ~~material~~ transportation regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous

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- 1) Heading of the Part: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) Section Numbers:
171.2 Amend
171.3 Amend
171.5 Amend
171.21 Amend
171.1000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Rulemaking: April 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: April 30, 1996
- 9) Notice of Proposal Published in Illinois Register: December 29, 1995, 19 Ill. Reg. 16890
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department corrected the phone number on the Notice.

In Section 171.3(b) and (b)(3), the Department changed the hyphens to colons.

In Section 171.5(a), the Department changed the semicolon to a period.

In Section 171.5(e)(4), the Department changed "be" to "by".

In Section 171.21(a)(3), the Department struck through the comma.

In Section 171.5(e), the Department has stricken through "subsections" and inserted "subsection".

In Section 171.21(b)(3)(A), the word "or" has been stricken.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 171, as of October 1, 1994, and including the federal rulemakings adopted at 59 FR 53116, October 21, 1994; 59 FR 55162, November 3, 1994; 59 FR 64742, December 15, 1994; 59 FR 67390, December 29, 1994; as amended at 60 FR 26796, May 18, 1995; 60 FR 39608, August 2, 1995; 60 FR 40030, August 4, 1995; 60 FR 48780, September 20, 1995; 60 FR 49048, September 21, 1995; 60 FR 49106, September 21, 1995; and 60 FR 50292, September 28, 1995.

The Department's regulations incorporate changes made in the following Dockets:

Docket HM-181G (59 FR 53116, October 21, 1994) confirms that the compliance dates for classification, hazard communication and packaging requirements applicable to infectious substances are extended.

Docket HM-183C (59 FR 55162, November 3, 1994) amends certain requirements for the manufacture, qualification and maintenance of cargo tank motor vehicles.

Docket HM-197 (59 FR 64742, December 15, 1994) establishes standards for transporting portable tanks containing certain hazardous materials in container-on-flatcar or trailer-on-flatcar service without obtaining prior approval from the Federal Railroad Administration.

Docket HM-215A (59 FR 67390, December 29, 1994) amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-215A (60 FR 26796, May 18, 1995) corrects errors found in the final rule of December 29, 1994.

Docket HM-145K (60 FR 39608, August 2, 1995) revises the "List of Hazardous Substances and Reportable Quantities" which appears in an appendix to the Hazardous Materials Table. These revisions enable shippers and carriers to identify Comprehensive Environmental Response, Compensation and Liability Act of 1980 hazardous substances, thereby enabling them to comply with all applicable HMR requirements and to make the required notifications if discharge of a hazardous substance occurs.

Docket HM-181E (60 FR 40030, August 4, 1995) clarifies and corrects a

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final rule of July 26, 1994 regarding requirements for the construction, maintenance and use of intermediate bulk containers for the transportation of hazardous materials.

Docket HM-181G (60 FR 48780, September 20, 1995) amends the requirements for infectious substances to clarify the scope of the regulations and to provide limited relief for regulated medical waste.

Docket HM-175A and HM-201 (60 FR 49084, September 21, 1995) amends the regulations to enhance the safe transportation of hazardous materials in tank cars. These revisions are intended to improve crashworthiness of tank cars and to increase the probability of detecting tank car defects.

Docket HM-189L (60 FR 49106, September 21, 1995) corrects editorial errors, makes minor regulatory changes and improves the clarity of certain provisions in the regulations.

Docket HM-169A (60 FR 50292, September 28, 1995) amends the Hazardous Materials Regulations pertaining to the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency. The intended effect is to increase the level of safety and facilitate international commerce concerning the transportation of radioactive materials.

Section 171.2(a), (b), and (d) are amended to include the requirement that persons engaged in the transportation of hazardous materials be in compliance with the registration requirements of Subpart E of 92 Ill. Adm. Code 107. This language is added for consistency with 49 CFR 171.

Section 171.3(d) is amended to correct language. The new language is now consistent with 49 CFR 171.

Section 171.5(a) is amended to include Class 8 and Class 9 agricultural pesticides. Class 8 and 9 pesticides can now be included in the regulations' agricultural exception.

Section 171.21(a) is amended for clarification purposes. The specific hazardous material is not listed in Table 2. Table 2 only lists the Hazard class or division number pertaining to the specific hazardous material.

Section 171.21(a)(1) is amended to remove unnecessary language and to include a reference to 49 CFR 171.24(a) for consistency with 49 CFR 171.

Section 171.100(b)(6) is amended to correct a typographical error and to remove a reference to 92 Ill. Adm. Code 397. Part 397 was removed from the Hazardous Materials Transportation Regulations and added to the Illinois Motor Carrier Safety Regulations a number of years ago.

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16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171

GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

Section

- 171.1 Purpose and Scope
- 171.2 General Transportation Requirements
- 171.3 Hazardous Waste
- 171.4 Exemptions (Renumbered)
- 171.5 Agricultural Exception
- 171.6 Agricultural Exception (Renumbered)
- 171.7 Matter Incorporated by Reference (Repealed)
- 171.8 Definitions and Abbreviations (Repealed)
- 171.9 Rules of Construction (Repealed)
- 171.12 Import and Export Shipments (Repealed)
- 171.14 Specification Markings (Repealed)
- 171.15 Incident Reporting Requirements
- 171.17 Exemptions
- 171.18 Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
- 171.19 Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
- 171.21 Retailer Exception
- 171.1000 Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. 7861, effective May 6, 1994; amended at 20 Ill. Reg. 6539, effective Apr 3 6 1996.

Section 171.2 General Transportation Requirements

- a) No person may offer or accept a hazardous material for transportation

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by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is properly classed, described, packaged, marked, labeled, placarded and in the condition for shipment as required by these regulations.

- b) Unless specifically excepted by these regulations, no person may accept for transportation or transport a hazardous material by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is handled and transported in accordance with this Subchapter.
- c) No person may offer, accept, or transport a hazardous material by highway in Illinois, regardless of the quantity of hazardous material in the shipment or on the vehicle, if that material poses an imminent danger to the public. The State Police are authorized to stop any vehicle that constitutes an imminent danger. For the purpose of this Section, an imminent danger exists if, in the opinion of the State Police officer or the representative of the Department at the scene, the offer, acceptance, or transportation of that hazardous material is likely to cause death, serious illness, or severe personal injury.
- d) No person may offer or accept for transportation or transport any quantity of radioactive material by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is properly classed, described, packaged, marked, labeled, placarded, handled and transported in accordance with these regulations.

(Source: Amended at 20 Ill. Reg. 6539, effective Apr 3 6 1996)

Section 171.3 Hazardous Waste

- a) No person may offer for transportation or transport a hazardous waste (as defined in Section 171.8) by highway in Illinois except in accordance with the requirements of this Subchapter.
- b) No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:--
 - 1) has marked each motor vehicle used to transport hazardous waste in accordance with 92 Ill. Adm. Code 390.21 397-21 or 49 CFR 1058.2 even though placards may not be required;
 - 2) complies with the requirement for manifests set forth in 92 Ill. Adm. Code 172.205; and
 - 3) delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:--
 - A) the designated facility or, if not possible, to the designated alternate facility;
 - B) the designated subsequent carrier; or
 - C) a designated place outside the United States.
- c) If a discharge of hazardous waste or other hazardous material occurs

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- 5) Is loaded to a filling density of 56 percent of water density (85 percent of volume capacity);
- 6) Is securely mounted on a farm wagon; and
- 7) Is in conformance with the requirements of 92 Ill. Adm. Code 172; except that shipping papers are not required; and it need not be marked or placarded on one end if that end contains valves, fittings, regulators, gauges, or other appurtenances that prevent the marking and placard from being properly placed and visible.
- e) Formulated agricultural chemicals not listed in subsection (a) or (c) above which are offered for transportation in less-than-case lot quantities, or when repackaged, are not subject to 92 Ill. Adm. Code 172, Subpart D and the outside specification packaging requirements of Part 173 if all of the following conditions are met:

- 1) Inside packagings are enclosed in strong outside packagings. Inside liquid packagings are cushioned, if necessary, to prevent breakage and leakage;
- 2) Each inside packaging does not exceed 10 liters (2.6 gallons) capacity for liquids or 15 kilograms (33 pounds) for dry materials;
- 3) Gross weight of less-than-case or repackaged lots is not over 50 kilograms (110 pounds) in each vehicle;
- 4) Transportation is authorized only by private motor vehicle between a final distribution point and the ultimate point of application, if that distance does not exceed one hundred miles.
- f) Formulated liquid agricultural chemicals in specification packagings of 220 liters (58 gallons) capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard an aircraft for aerial application.

(Source: Amended at 20 Ill. Reg. 6539, effective APR 30 1996)

Section 171.21 Retailer Exception

- a) Hazardous materials with Hazard class or division numbers listed in Table 2 of 49 CFR 172.504(e) which are transported in less than case-lot quantities or when repackaged to comply with the quantity limitations prescribed in subsection (b) are not subject to these regulations if all of the following conditions are met:

- 1) Packagings of hazardous materials are enclosed in strong outside packages (49 CFR 171.8), cushioned, if necessary, to prevent breaking and leakage (49 CFR 173.24 and 173.24a) ~~plus 9847--no further amendments or editions included~~;
- 2) Gross weight of less-than-case lots and single unit packagings is not over 45 kilograms (100 pounds) per vehicle;

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during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest.

- d) If a hazardous material that is a hazardous waste is required by this Subchapter to be shipped in a closed head drum (i.e., a drum with a 7.0 cm (3 inches) or less bung opening) and the hazardous waste contains solids or semisolids that make its placement in a closed head drum impracticable, an equivalent (except for closure) open head drum may be used for the hazardous waste. ~~If a hazardous material that is a hazardous waste is required by this Subchapter to be shipped in a closed head drum specification drum and the hazardous waste contains solids or semisolids that would make its placement in a closed head drum impracticable (e.g., a drum with a 3-3/4 inch bung opening), an equivalent specification open head drum (except for closure) may be used for such a waste.~~

(Source: Amended at 20 Ill. Reg. 6539, effective APR 30 1996)

Section 171.5 Agricultural Exception

This Part and Driving and Parking; 92 Ill. Adm. Code 397 do not apply to the transportation of those hazardous materials cited below when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified:

- a) Agricultural pesticides classified as Class 3, Class 8, Class 9 or Division 6.1 noninhalation hazard by these regulations, when moved in quantities of 2,268 kilograms (5,000 pounds) or less (aggregate gross weight) or 1,893 liters (500 gallons) or less volume in solution,⁷
- b) Gasoline, diesel fuels, oils, lubricants, and liquefied petroleum gas, when moved in quantities of 11,356 liters (3,000 gallons) or less and properly placarded in accordance with 92 Ill. Adm. Code 172.504(a).
- c) Ammonium nitrate fertilizer, when moved in quantities of 7,257 kilograms (16,000 pounds) (aggregate gross weight) or less.
- d) Anhydrous ammonia when transported in a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) operated by private carriers exclusively for agricultural purposes, provided the cargo tank:
 - 1) Has a minimum design pressure of 250 pounds per square inch (p.s.i.) and meets the requirements of the ASME code in effect at time of manufacture and is marked accordingly;
 - 2) Is equipped with safety relief valves meeting the requirements of CGA Pamphlet SL-2;
 - 3) Is painted white or aluminum;
 - 4) Has a capacity of 7,571 liters (2,000 gallons) or less;

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- 3) Transportation is by private motor vehicle, in intrastate commerce, between a final distribution point and a retail establishment or between a retail establishment and a final end user; and
- 4) The distance to be travelled does not exceed 161 kilometers (100 miles).
- b) Each packaging of hazardous materials subject to this exception shall not exceed the quantity limits established below:
- 1) For liquids, 19 liters (5 gallons).
 - 2) For dry materials, 11 kilograms (25 pounds).

3) For compressed gases:

- A) In containers of not more than four fluid ounces capacity (7.22 cubic inches or less); or
- B) In metal containers, with pressure not exceeding 180 psig at 130° F, not to exceed 27.7 fluid ounces (50 cubic inches);
- C) For freon, authorized cylinders not to exceed 30 pound capacity; or
- D) Any other packaging authorized as inside packaging by 92 Ill. Adm. Code 173.306.

(Source: Amended at 20 Ill. Reg. 6539, effective APR 30 1996)

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1994
- 1992, as amended at 59 FR 53116, October 21, 1994; as amended at 59 FR 55162, November 3, 1994; as amended at 59 FR 64742, December 15, 1994; as amended at 59 FR 67390, December 29, 1994; as amended at 60 FR 26796, May 18, 1995; as amended at 60 FR 39609, August 2, 1995; as amended at 60 FR 40030, August 4, 1995; as amended at 60 FR 48780, September 20, 1995; as amended at 60 FR 49048, September 21, 1995; as amended at 60 FR 49106, September 21, 1995; and as amended at 60 FR 50292, September 28, 1995, 59 FR-47513-October-187-1992;--as-amended at--57-FR-529387-November-57-19927-as-amended-at-57-FR-593887-December-157-19927-as-amended-at-57-FR-607387-December-227-19927-as-amended-at-58-FR-60647-February-37-19937-as-amended-at-58-FR-609857-February-237-19937-as-amended-at-58-FR-339027-June-167-19937-as-amended-at-58-FR-503247--September--247--19937-as-amended-at-58-FR-504967-September-277-19937 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

171.4 Marine Pollutants
171.7 Referenced Material

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- 171.8 Definitions and Abbreviations
171.9 Rules of Construction
171.10 Units of Measure
171.11 Use of ICAO Technical Instructions
171.12 Import and Export Shipments
171.12a Canadian Shipments and Packagings
171.14 Transitional Provisions
for Implementing Requirements Based on the UN Recommendations
171.18 Continuation of Effectiveness of Existing Bureau of Explosives Registrations
171.19 Approvals or Authorizations Issued by the Bureau of Explosives
171.20 Submission of Examination Reports

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to "these regulations" refers to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 107.102 through 180 and-397.
- 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.

(Source: Amended at 20 Ill. Reg. 6539, effective APR 30 1996)

DEPARTMENT OF TRANSPORTATION
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1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications

2) Code Citation: 92 Ill. Adm. Code 172

3) Section Numbers: 172.2000
Adopted Action: Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

5) Effective Date of Rulemaking: April 30, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: April 30, 1996

9) Notice of Proposal Published in Illinois Register: December 29, 1995; 19 Ill. Reg. 16900

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The Department added a semicolon after September 21, 1995 in the first paragraph of the summary and purpose of rules.

In Section 172.2000(a), third line, the Department made the word "material" plural.

In Section 172.2000(b)(3), the Department initially capped the word "Section".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 172 as of October 1, 1994, and including the federal rulemakings adopted at 59 FR 67390, December 29, 1994; 60 FR 26796, May 18, 1995; 60 FR 39608, August 2, 1995; 60 FR 39991, August 4, 1995; 60 FR 40030, August

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4, 1995; 60 FR 48780, September 20, 1995; 60 FR 49048, September 21, 1995; 60 FR 49106, September 21, 1995; and 60 FR 50292, September 28, 1995.

The Department's regulations incorporate changes made in the following Dockets:

Docket HM-215A (59 FR 67390, December 29, 1994) amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-215A (60 FR 26796, May 18, 1995) corrects errors found in the final rule of December 29, 1994.

Docket HM-145K (60 FR 39608, August 2, 1995) revises the "List of Hazardous Substances and Reportable Quantities" which appears in an appendix to the Hazardous Materials Table. These revisions enable shippers and carriers to identify Comprehensive Environmental Response, Compensation and Liability Act of 1980 hazardous substances, thereby enabling them to comply with all applicable HMR requirements and to make the required notifications if discharge of a hazardous substance occurs.

Docket HM-181E (60 FR 40030, August 4, 1995) clarifies and corrects a final rule of July 26, 1994 regarding requirements for the construction, maintenance and use of intermediate bulk containers for the transportation of hazardous materials.

Docket HM-181G (60 FR 48780, September 20, 1995) amends the requirements for infectious substances to clarify the scope of the regulations and to provide limited relief for regulated medical waste.

Docket HM-175A and HM-201 (60 FR 49048, September 21, 1995) amends the regulations to enhance the safe transportation of hazardous materials in tank cars. These revisions are intended to improve crashworthiness of tank cars and to increase the probability of detecting tank car defects.

Docket HM-189L (60 FR 49106, September 21, 1995) corrects editorial errors, makes minor regulatory changes and improves the clarity of certain provisions in the regulations.

Docket HM-169A (60 FR 50292, September 28, 1995) amends the Hazardous Materials Regulations pertaining to the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency. The intended effect is to increase the level of safety and facilitate international commerce concerning the transportation of radioactive materials.

16) Information and questions regarding this adopted amendment shall be

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 172

HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS

Section
172.1000 General
172.2000 Incorporation by Reference of 49 CFR 172
172.2215 Permanent Shipping Papers (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487 and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. 7874, effective May 6, 1994; amended at 20 Ill. Reg. 6545, effective May 6, 1996.

APP 8 0 1996

Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous materials ~~material~~ transportation regulations was in effect on October 1, 1994 1992; as amended at 59 FR 67390, December 29, 1994; as amended at 60 FR 62796, May 18, 1995; as amended at 60 FR 39608, August 2, 1995; as amended at 60 FR 39921, August 4, 1995; as amended at 60 FR 40030, August 4, 1995; as amended at 60 FR 48780, September 20, 1995; as amended at 60 FR 49049, September 21, 1995; as amended at 60 FR 49106, September 21, 1995; and as amended at 60 FR 50292, September 28, 1995 57-FR-475137-October-16-19927-as-amended-at-57-FR-529307-November-57-19927-as-amended-at-57-FR-593087-December-157-19927-as-amended-at-58-FR-33444-January-87-19937-as--amended-at-59-FR-50507-January-227-19937-as-amended-at-59-FR-66647

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

~~February 27, 1993, as amended at 58 FR 80207, February 17, 1993, as amended at 58 FR 93327, June 16, 1993, as amended at 58 FR 50224, September 24, 1993, as amended at 58 FR 50496, September 27, 1993, subject only to the exceptions in subsection (b) of this Section and Section 172.2215. No later amendments to or editions of 49 CFR 172 are incorporated.~~

b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175, or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.
- 7) The schedule established in Section 172.704 for implementation of a training program is modified as follows:
 - A) Part 172.704(c)(1)(i) is modified to require intrastate hazmat employees employed on or before July 2, 1994 to complete training prior to October 1, 1994.
 - B) Part 172.704(c)(1)(ii) is modified to require intrastate hazmat employees employed after July 2, 1994 to complete training within 90 days after employment.

(Source: Amended at 20 Ill. Reg. 6549, effective APR 30 1996)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures
- 2) Code Citation: 92 Ill. Adm. Code 107
- 3) Section Numbers: 107.3
107.601
Adopted Action:
Amend
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Rulemaking: April 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: April 30, 1996
- 9) Notice of Proposal Published in Illinois Register: December 29, 1995, 19 Ill. Reg. 16905
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department removed the language regarding Section 107.308 in the summary and purpose of rules.
The Department corrected the phone number on the Notice.
The Department inserted "SUBPART A: GENERAL PROVISIONS" above Section 107.3.
The Department deleted Section 107.308 from the text of this rulemaking.
At Section 107.3 "Act", the Department has stricken "/1 through 16".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49

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CPR 107, Subpart G as of October 1, 1994, and including the federal rulemaking adopted at 60 FR 27231, May 23, 1995.

The Department's regulations incorporate changes made in the following Docket:

Docket HM-208B (60 FR 27231, May 23, 1995) maintains the annual registration fee of \$300. Applicability is expanded to include materials in a hazard class or division other than Division 2.3 or Division 6.1. Adopts an exception from the registration requirement for foreign offerors.

This rulemaking also removes references to the Illinois Revised Statutes which are replaced by the Illinois Compiled Statutes.

Section 107.3 is amended to add a definition of "knowingly." The definition is added to clarify the Illinois Hazardous Materials Transportation Act (the Act) which requires that a person must "knowingly" commit an act in violation of the Act or any rule or regulations promulgated thereunder to be liable for a civil penalty. This definition of "knowingly" is based on the definition found in the federal Hazardous Materials Transportation Uniform Safety Act (HMTUSA).

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Cathy Allen
Address: Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
Telephone: (217) 785-1181

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 107
PROCEDURES

SUBPART A: GENERAL PROVISIONS

Section	
107.1	Purpose and Scope
107.3	Definitions
107.5	Request for Confidential Treatment
107.11	Service
107.13	Subpoenas

SUBPART B: EXEMPTIONS

Section	
107.101	Purpose and Scope
107.102	Persons Holding Federal Exemptions
107.103	Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations
107.105	Application for Renewal
107.107	Initial Application Review
107.109	Processing of Application
107.111	Party to an Exemption
107.117	Withdrawal
107.119	Termination
107.121	Appeal
107.123	Availability for Public Inspection

SUBPART D: ENFORCEMENT

Section	
107.301	Responsibility for Enforcement
107.303	Purpose and Scope
107.305	Investigations
107.307	Inspection and Examination of Records and Properties
107.308	Notice of Apparent Violation
107.309	Stopping of Vehicles
107.310	Department Review of Notice of Apparent Violation
107.311	Warning Letter
107.313	Civil Penalties Generally
107.314	Maximum Penalties
107.315	Commencement of Civil Penalty Proceeding
107.316	Reply
107.317	Payment of Penalty
107.318	Request for Hearing

DEPARTMENT OF TRANSPORTATION
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- | | |
|---------|---|
| 107.319 | Hearing |
| 107.320 | Presiding Officer's Decision |
| 107.321 | Assessment Considerations |
| 107.323 | Appeal |
| 107.331 | Compliance Orders Generally |
| 107.333 | Notice of Probable Violation |
| 107.334 | Reply |
| 107.335 | Consent Order |
| 107.336 | Hearing |
| 107.337 | Presiding Officer's Decision |
| 107.338 | Compliance Order For Immediate Compliance |
| 107.339 | Appeal |
| 107.341 | Injunctions and Other Equitable Relief |
| 107.343 | Imminent Hazards |
| 107.371 | Criminal Penalties Generally |
| 107.373 | Referral for Prosecution |

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G

APPENDIX A Standard Conditions Applicable to Exemptions, Packages, Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990; amended at 14 Ill. Reg. 8189, effective May 15, 1990; amended at 18 Ill. Reg. 7881, effective May 6, 1994; amended at 20 Ill. Reg. 6534, effective APR 3 1996.

SUBPART A: GENERAL PROVISIONS

Section 107.3 Definitions

As used in this Part:

"Act" means the Illinois Hazardous Materials Transportation Act (430 ILCS 30/1-16).
 Rev:--Stat:--1991--ch:95-1/2--pars:700-1-through-167 (430 ILCS 30/1-16 through-16).

DEPARTMENT OF TRANSPORTATION
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"Department" means the Illinois Department of Transportation.

"Director" means the Director of the Division of Traffic Safety.

"Division" means the Division of Traffic Safety.

"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and the Illinois Hazardous Materials Transportation Regulation (IHTR) and prosecution of violations of the IHTR and the Act.

"IHMTR" means the Illinois Hazardous Materials Transportation Regulations.

"Knowingly" means a person has actual knowledge of the facts giving rise to the violation, or a reasonable person acting in the circumstances and exercising due care would have such knowledge.

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or its legal representative, agent or assigns.

"Respondent" means a person upon whom the Department has served a notice of probable violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"State" means the State of Illinois.

"State Police" includes any individual officer of the State Police.

(Source: Amended at 20 Ill. Reg. 6554, effective) APR 30 1996

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G

- a) 49 CFR 107, Subpart G is hereby incorporated by reference as that Subpart of the Hazardous Materials Transportation Regulations in effect on October 1, 1994 1992, as amended at 50 FR 27231, May 23, 1995 ~~50 FR-19957-February-23-1993~~ ~~as amended at 50 FR-32543-7--March 57--1993~~. No later amendments to or editions of 49 CFR 107, Subpart G are incorporated.
- b) The following interpretations of, additions to and deletions from 49

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CFR 107, Subpart G shall apply for the purposes of this Subpart.

- 1) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 107.
- 2) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) Any reference to a section in the incorporated material shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

(Source: Amended at 20 Ill. Reg. 6554, effective
APR 30 1996)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Shippers General Requirements for Shipments and Packaging
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) Section Numbers: 173.3000 Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Rulemaking: April 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: April 30, 1996
- 9) Notice of Proposal Published in Illinois Register: December 29, 1995, 19 Ill. Reg. 16912
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department inserted a slash instead of a dash in the statutory citations.

The Department inserted a semicolon after "September 21, 1995" in the first paragraph of the summary and purpose of rules.

The Department corrected the phone number on the Notice.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 173, as of October 1, 1994 and including the federal rulemakings adopted at 59 FR 55162, November 3, 1994; 59 FR 67390, December 29, 1994; 60 FR 7627, February 8, 1995; 60 FR 17398, April 5, 1995; 60 FR 26796, May 18, 1995; 60 FR 40030, August 4, 1995; 60 FR 48780, September 20, 1995; 60 FR 49048, September 21, 1995; 60 FR 49106, September 21, 1995; and 60 FR

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50292, September 28, 1995.

The Department's regulations incorporate changes made in the following Dockets:

Docket HM-183C (59 FR 55162, November 3, 1994) amends certain requirements for the manufacture, qualification and maintenance of cargo tank motor vehicles.

Docket HM-215A (59 FR 67390, December 29, 1994) amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. Necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-215A (60 FR 7627, February 8, 1995) corrects the final rule of December 29, 1994.

Docket HM-183C (60 FR 17398, April 5, 1995) amends the final rule of November 3, 1994 to revise design loading requirements for MC 331 cargo tank motor vehicles. Also makes other minor editorial and technical changes.

Docket HM-215A (60 FR 26796, May 18, 1995) corrects errors found in the final rule of December 29, 1994.

Docket HM-181E (60 FR 40030, August 4, 1995) clarifies and corrects a final rule of July 26, 1994 regarding requirements for the construction, maintenance and use of intermediate bulk containers for the transportation of hazardous materials.

Docket HM-181G (60 FR 48780, September 20, 1995) amends the requirements for infectious substances to clarify the scope of the regulations and to provide limited relief for regulated medical waste.

Docket HM-175A and HM-201 (60 FR 49048, September 21, 1995) amends the regulations to enhance the safe transportation of hazardous materials in tank cars. Intended to improve crashworthiness of tank cars and to increase the probability of detecting tank care defects.

Docket HM-189L (60 FR 49106, September 21, 1995) corrects editorial errors, makes minor regulatory changes and improves the clarity of certain provisions in the regulations.

Docket HM-169A (60 FR 50292, September 28, 1995) amends the Hazardous Materials Regulations pertaining to the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency. The intended effect is to increase the level of safety and facilitate international commerce concerning the transportation of

DEPARTMENT OF TRANSPORTATION
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radioactive materials.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Ms. Cathy Allen
Address: Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
Telephone: (217) 785-1181

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 173

SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section 173.2000

General

173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. Al, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective July 13, 1992; amended at 17 Ill. Reg. 7895, effective May 6, 1994; amended at 20 Ill. Reg. 6560, effective APR 30 1996.

Section 173.3000 Incorporation by Reference of 49 CFR 173

a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 173 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1994 1992; as amended at 59 FR 55162, November 3, 1994; as amended at 59 FR 67390, December 29, 1994; as amended at 60 FR 7627, February 8, 1995; as amended at 60 FR 17398, April 5, 1995; as amended at 60 FR 26796, May 18, 1995; as amended at 60 FR 40030, August 4, 1995; as amended at 60 FR 48780, September 20, 1995; as amended at 60 FR 49048, September 21, 1995; as amended at 60 FR 49106, September 21, 1995; and as amended at 60 FR 50292, September 28, 1995 57-PR-475137-October-107-1992--as-amended--at--57--PR--529307 November-57--1992--as-amended--at--58--PR-33447-January-8-1993-as-amended-at-58-PR-66647-February-27-1993--as-amended-at--58--PR--129647 March-8-1993--as-amended-at-58-PR-330627-June-167-1993--as-amended-at-58--PR-562247-September-247-1993--as-amended-at-58-PR-504967-September 277-1993, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are

DEPARTMENT OF TRANSPORTATION

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incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176 or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Section 173.24(c)(3) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:
The markings in this Section section are not required for a surface moisture/density gauge transported as Radioactive Material, Special Form, N.O.S., when accompanied by a shipping paper which contains (or is accompanied by) a signed statement or certification from the manufacturer of the gauge attesting that the gauge construction complies with all package specifications set forth in Sections 173.415 and 173.416, except those that pertain to marking.
Section 173.150(g) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:
Gasoline being transported in a packaging having a rated capacity of 416 liters (110 gallons) or less, which is in compliance with the rules of the Office of the State Fire Marshal, 41 Ill. Adm. Code 170.15(c), is not subject to Subchapter c of these regulations except for sections 172.504(a) placarding, 173.24 and 173.28 which cover standard requirements for all packages and the reuse of packagings, section 177.837 regarding the loading and unloading of flammable liquids, and sections 397.7 and 397.13 covering parking and smoking, to the extent those sections apply.
- 8) Section 173.315(a) Note 17 is deleted from the federal regulations and a new Section 173.315(a) Note 17 is added to the Illinois regulations to read as follows:
Specifications MC 330 and MC 331 cargo tanks, with a design service pressure of 250 p.s.i.g., built in compliance with

DEPARTMENT OF TRANSPORTATION

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the Federal ICC or Federal DOT regulations at the time of manufacture, which meet all other design and testing requirements specified by Part 180 for cargo tanks in anhydrous ammonia service, and which have been in anhydrous ammonia service in Illinois before February 1, 1979, may continue to be used in such service. No cargo tank that has not been in anhydrous ammonia service in Illinois before February 1, 1979, may be placed in such service in Illinois after that date unless it meets all requirements of the specifications, including a minimum design service pressure of 265 p.s.i.g.

- 9) Section 173.315(k) in 49 CFR is deleted and not incorporated.
 10) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at 20 Ill. Reg. 6560, effective
APR 30 1996)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) Section Numbers: Adopted Action:
178.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Effective Date of Rulemaking: April 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: April 30, 1996
- 9) Notice of Proposal Published in Illinois Register: December 29, 1995; 19 Ill. Reg. 16918
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department added a semicolon after "September 21, 1995" in the first paragraph of the summary and purpose of rules on the Notice.

The Department corrected the phone number on the Notice.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 178, as of October 1, 1994, and including the federal rulemakings adopted at 59 FR 55162, November 3, 1994; 59 FR 67390, December 29, 1994; 60 FR 17398, April 5, 1995; 60 FR 26796, May 18, 1995; 60 FR 40030, August 4, 1995; 60 FR 48780, September 20, 1995; 60 FR 49106, September 21, 1995; and 60 FR 50292, September 28, 1995.

The Department's regulations incorporate changes made in the following

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Dockets:

Docket HM-183C (59 FR 55162, November 3, 1994) amends certain requirements for the manufacture, qualification and maintenance of cargo tank motor vehicles.

Docket HM-215A (59 FR 67390, December 29, 1994) amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-183C (60 FR 17398, April 5, 1995) amends the final rule of November 3, 1994 to revise design loading requirements for MC 331 cargo tank motor vehicles. These revisions also make other minor editorial and technical changes.

Docket HM-215A (60 FR 26796, May 18, 1995) corrects errors found in the final rule of December 29, 1994.

Docket HM-181E (60 FR 40030, August 4, 1995) clarifies and corrects a final rule of July 26, 1994 regarding requirements for the construction, maintenance and use of intermediate bulk containers for the transportation of hazardous materials.

Docket HM-181G (60 FR 48780, September 20, 1995) amends the requirements for infectious substances to clarify the scope of the regulations and to provide limited relief for regulated medical waste.

Docket HM-189L (60 FR 49106, September 21, 1995) corrects editorial errors, makes minor regulatory changes and improves the clarity of certain provisions in the regulations.

Docket HM-169A (60 FR 50292, September 28, 1995) amends the Hazardous Materials Regulations pertaining to the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency. The intended effect is to increase the level of safety and facilitate international commerce concerning the transportation of radioactive materials.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

(217) 785-1181

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178

SPECIFICATIONS FOR PACKAGINGS

Specification MC 300: Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B

Section
178.321

178.321.0.1
178.321.0.2
178.321.0.3
178.321.0.4
178.321.0.5
178.321.0.6
178.321.0.7
178.321.0.8
178.321.0.9
178.321.1.0
178.321.1.1
178.321.1.2
178.321.1.3
178.321.1.4
178.321.1.5
178.321.1.6
178.321.1.7
178.321.1.8
178.322

[178.321-1] General Requirements
[178.321-2] Material
[178.321-3] Thickness
[178.321-4] Joints
[178.321-5] Bulkheads, Baffles, and Ring Stiffeners
[178.321-6] Closures for Manholes
[178.321-7] Overturn Protection
[178.321-8] Outlets
[178.321-9] Vents, Valves, and Connections
[178.321-10] Protection of Fittings
[178.321-11] Emergency Discharge Control
[178.321-12] Shear Section
[178.321-13] Anchoring of Tank
[178.321-14] Gauging Devices
[178.321-15] Pumps
[178.321-16] Testing Requirements
[178.321-17] Marking of Cargo Tanks
[178.321-18] Certification

Specification MC 301: Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B

178.322.0.1
178.322.0.3
178.322.0.5
178.322.0.9
178.322.1.1
178.322.1.2
178.322.1.3
178.322.1.4
178.322.1.7
178.322.1.8
178.322.1.9
178.322.2.0
178.322.2.1
178.322.2.2
178.322.2.3

[178.322-1] General Requirements
[178.322-3] Certification
[178.322-5] Marking of Cargo Tanks
[178.322-9] Testing Requirements
[178.322-11] Material
[178.322-12] Thickness of Sheets and Ring Stiffeners
[178.322-13] Tolerance
[178.322-14] Joints
[178.322-17] Tank Outlets
[178.322-18] Bulkheads, Baffles, and Ring Stiffeners
[178.322-19] Tank Vents
[178.322-20] Valve and Faucet Connections
[178.322-21] Emergency Discharge Control
[178.322-22] Shear Section
[178.322-23] Protection of Valves and Faucets

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TITLE 92: TRANSPORTATION

Specification MC 302: Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

178.322.2.4
178.323
178.323.0.1
178.323.0.2
178.323.0.3
178.323.0.4
178.323.0.5
178.323.0.6
178.323.0.7
178.323.0.8
178.323.0.9
178.323.1.0
178.323.1.1
178.323.1.2
178.323.1.3
178.323.1.4
178.323.1.5
178.323.1.6
178.323.1.7
178.323.1.8
178.324

[178.322-24] Overturn Protection
[178.323-1] General Requirements
[178.323-2] Material
[178.323-3] Thickness of Metal
[178.323-4] Joints
[178.323-5] Bulkheads, Baffles, and Ring Stiffeners
[178.323-6] Closures for Manholes
[178.323-7] Overturn Protection
[178.323-8] Tank Outlets
[178.323-9] Vents, Valves, and Connections
[178.323-10] Protection of Fittings
[178.323-11] Emergency Discharge Control
[178.323-12] Shear Section
[178.323-13] Anchoring of Tank
[178.323-14] Gauging Devices
[178.323-15] Pumps
[178.323-16] Testing Requirements
[178.323-17] Marking of Cargo Tanks
[178.323-18] Certification

Specification MC 303: Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

178.324.0.1
178.324.0.2
178.324.0.3
178.324.0.4
178.324.0.5
178.324.0.6
178.324.0.7
178.324.0.8
178.324.0.9
178.324.1.0
178.324.1.1
178.324.1.2
178.324.1.3
178.324.1.4
178.324.1.5
178.324.1.6
178.324.1.7
178.324.1.8
178.325

[178.324-1] General Requirements
[178.324-2] Material
[178.324-3] Thickness of Metal
[178.324-4] Joints
[178.324-5] Bulkheads, Baffles, and Ring Stiffeners
[178.324-6] Closures for Manholes
[178.324-7] Overturn Protection
[178.324-8] Outlets
[178.324-9] Vents, Valves, and Connections
[178.324-10] Protection of Fittings
[178.324-11] Emergency Discharge Control
[178.324-12] Shear Section
[178.324-13] Anchoring of Tank
[178.324-14] Gauging Devices
[178.324-15] Pumps
[178.324-16] Testing Requirements
[178.324-17] Marking of Cargo Tanks
[178.324-18] Certification

Specification MC 304: Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

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B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100° F., But Less Than Those Stated in 92 Ill. Adm. Code

173.300, In Defining Compressed Gases

[178.325-1] General Requirements

[178.325-2] Material

[178.325-3] Thickness of Metal

[178.325-4] Joints

[178.325-5] Bulkheads, Baffles, and Ring Stiffeners

[178.325-6] Closures for Manholes

[178.325-7] Overturn Protection

[178.325-8] Tank Outlets

[178.325-9] Safety Relief Devices, Valves, and Connections

[178.325-10] Protection of Fittings

[178.325-11] Emergency Discharge Control

[178.325-12] Shear Section

[178.325-13] Anchoring of Cargo Tank

[178.325-14] Gauging Devices

[178.325-15] Pumps

[178.325-16] Testing Requirements

[178.325-17] Marking of Cargo Tanks

[178.325-18] Certification

Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

B

[178.326-1] General Requirements

[178.326-2] Material

[178.326-3] Thickness of Sheets

[178.326-4] Joints

[178.326-5] Bulkheads, Baffles, and Ring Stiffeners

[178.326-6] Closures for Manholes

[178.326-7] Overturn Protection

[178.326-8] Tank Outlets

[178.326-9] Vents, Valves, and Connections

[178.326-10] Protection of Fittings

[178.326-11] Emergency Discharge Control

[178.326-12] Shear Section

[178.326-13] Anchoring of Cargo Tank

[178.326-14] Gauging Devices

[178.326-15] Pumps

[178.326-16] Testing Requirements

[178.326-17] Marking of Cargo Tanks

[178.326-18] Certification

Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids

[178.330-1] General Requirements

[178.330-2] Material

[178.330-3] Thickness of Metal

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[178.330-4] Joints

[178.330-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

[178.330-6] Closures for Manholes

[178.330-7] Overturn Protection

[178.330-8] Outlets

[178.330-9] Vents, Valves, and Connections

[178.330-10] Protection of Fittings

[178.330-11] Emergency Discharge Control

[178.330-12] Shear Section

[178.330-13] Anchoring of Tank

[178.330-14] Gauging Devices

[178.330-15] Pumps and Compressors

[178.330-16] Testing Requirements

[178.330-17] Marking of Cargo Tanks

[178.330-18] Certification

Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids

[178.331-1] General Requirements

[178.331-2] Material

[178.331-3] Thickness of Metal

[178.331-4] Joints

[178.331-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

[178.331-6] Closures for Manholes

[178.331-7] Overturn Protection

[178.331-8] Outlets

[178.331-9] Vents, Valves, and Connections

[178.331-10] Protection of Fittings

[178.331-11] Emergency Discharge Control

[178.331-12] Shear Section

[178.331-13] Anchoring of Tank

[178.331-14] Gauging Devices

[178.331-15] Pumps and Compressors

[178.331-16] Testing Requirements

[178.331-17] Marking of Cargo Tanks

[178.331-18] Certification

Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases

[178.336-1] General Requirements

[178.336-2] Material

[178.336-3] Thickness of Metal

[178.336-4] Joints

[178.336-5] Bulkheads, Baffles, and Ring Stiffeners

[178.336-6] Closures for Manholes

[178.336-7] Overturn Protection

[178.336-8] Outlets

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178.336-0.9 [178.336-9] Safety Relief Devices, Valves, and Connections
 178.336-1.0 [178.336-10] Protection of Fittings
 178.336-1.1 [178.336-11] Emergency Discharge Control
 178.336-1.2 [178.336-12] Shear Section
 178.336-1.3 [178.336-13] Anchoring of Cargo Tank
 178.336-1.4 [178.336-14] Gauging Devices
 178.336-1.5 [178.336-15] Pumps and Compressors
 178.336-1.6 [178.336-16] Testing Requirements
 178.336-1.7 [178.336-17] Marking of Cargo Tanks
 178.336-1.8 [178.336-18] Certification
 178.337 Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined In the Compressed Gas Section (Repealed)
 178.337-1 [178.337-1] General Requirements (Repealed)
 178.337-0.2 [178.337-2] Material (Repealed)
 178.337-0.3 [178.337-3] Thickness of Tank Metal (Repealed)
 178.337-0.4 [178.337-4] Joints (Repealed)
 178.337-0.5 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
 178.337-0.6 [178.337-6] Closure for Manhole (Repealed)
 178.337-0.7 [178.337-7] Overtight Protection (Repealed)
 178.337-0.8 [178.337-8] Outlets (Repealed)
 178.337-0.9 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
 178.337-1.0 [178.337-10] Protection of Fittings (Repealed)
 178.337-1.1 [178.337-11] Emergency Discharge Control (Repealed)
 178.337-1.2 [178.337-12] Shear Section (Repealed)
 178.337-1.3 [178.337-13] Supporting and Anchoring (Repealed)
 178.337-1.4 [178.337-14] Gauging Devices (Repealed)
 178.337-1.5 [178.337-15] Pumps and Compressors (Repealed)
 178.337-1.6 [178.337-16] Testing (Repealed)
 178.337-1.7 [178.337-17] Marking (Repealed)
 178.337-1.8 [178.337-18] Certification (Repealed)
 178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
 178.340-1 [178.340-1] Specification Requirements For MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
 178.340-0.2 [178.340-2] General Requirements (Repealed)
 178.340-0.3 [178.340-3] Material (Repealed)
 178.340-0.4 [178.340-4] Structural Integrity (Repealed)
 178.340-0.5 [178.340-5] Joints (Repealed)
 178.340-0.6 [178.340-6] Supports and Anchoring (Repealed)
 178.340-0.7 [178.340-7] Circumferential Reinforcements (Repealed)
 178.340-0.8 [178.340-8] Accident Damage Protection (Repealed)
 178.340-0.9 [178.340-9] Pumps (Repealed)
 178.340-1.0 [178.340-10] Certification (Repealed)
 178.341 Specification MC 306; Cargo Tanks (Repealed)
 178.341-1 [178.341-1] General Requirements (Repealed)

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178.341-0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
 178.341-0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)
 178.341-0.4 [178.341-4] Vents (Repealed)
 178.341-0.5 [178.341-5] Emergency Flow Control (Repealed)
 178.341-0.6 [178.341-6] Gauging Devices (Repealed)
 178.341-0.7 [178.341-7] Method of Test (Repealed)
 178.342 Specification MC 307; Cargo Tanks (Repealed)
 178.342-0.1 [178.342-1] General Requirements (Repealed)
 178.342-0.2 [178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
 178.342-0.3 [178.342-3] Closures for Manholes (Repealed)
 178.342-0.4 [178.342-4] Vents (Repealed)
 178.342-0.5 [178.342-5] Outlets (Repealed)
 178.342-0.6 [178.342-6] Gauging Devices (Repealed)
 178.342-0.7 [178.342-7] Method of Test (Repealed)
 178.343 Specification MC 312; Cargo Tanks (Repealed)
 178.343-0.1 [178.343-1] General Requirements (Repealed)
 178.343-0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
 178.343-0.3 [178.343-3] Closures for Manholes (Repealed)
 178.343-0.4 [178.343-4] Vents (Repealed)
 178.343-0.5 [178.343-5] Outlets (Repealed)
 178.343-0.6 [178.343-6] Gauging Devices (Repealed)
 178.343-0.7 [178.343-7] Method of Test (Repealed)
 178.350 Specification 7A; General Packaging, Type A (Repealed)
 178.350-0.1 [178.350-1] General Requirements (Repealed)
 178.350-0.2 [178.350-2] Specific Requirements (Repealed)
 178.350-0.3 [178.350-3] Marking (Repealed)
 178.1000 General
 178.2000 Incorporation by Reference of 49 CFR 178

APPENDIX C Tensile Specimen
 APPENDIX D Material Thickness (Repealed)
 TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)
 TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988;

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amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective APR 30 1996.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.2000 Incorporation by Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 178 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1994 1994; as amended at 59 FR 55162, November 3, 1994; as amended at 59 FR 67390, December 29, 1994; as amended at 60 FR 17398, April 5, 1995; as amended at 60 FR 26796, May 18, 1995; as amended at 60 FR 40030, August 4, 1995; as amended at 60 FR 48780, September 20, 1995; as amended at 60 FR 49106, September 21, 1995; as amended at 60 FR 50292, September 28, 1995, 59 FR-129047 ~~March 07-1993; as amended at 59 FR-333827-June-16-1993; as amended at 59 FR-502247-September-24-1993; as amended at 59 FR-594967--September 27--1993~~ subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.
- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
 - 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code:

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- Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

(Source: Amended at 20 Ill. Reg. 6566, effective APR 30 1996)

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1) Heading of the Part: Specifications for Tank Cars2) Code Citation: 92 Ill. Adm. Code 1793) Section Numbers: Adopted Action:
179.2000 Amend4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].5) Effective Date of Rulemaking: April 30, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.8) Date Filed in Agency's Principal Office: April 30, 19969) Notice of Proposal Published in Illinois Register: December 29, 1995, 19 Ill. Reg. 1692910) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

The Department corrected the phone number on the Notice.

The Department added a slash to the ILCS citation in the Authority Note.

In Section 179.2000(a), the Department removed the period at the end of the Section.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 179, as of October 1, 1994, and including the federal rulemaking adopted at 60 FR 49048, September 21, 1995.

The Department's regulations incorporate changes made in the following

DEPARTMENT OF TRANSPORTATION

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Docket:

Docket HM-175A and HM-201 (60 FR 49048, September 21, 1995) amends the regulations to enhance the safe transportation of hazardous materials in tank cars. These revisions are intended to improve crashworthiness of tank cars and to increase the probability of detecting tank car defects.

16) Information and questions regarding this adopted amendment shall be directed to:Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 179
 SPECIFICATIONS FOR TANK CARS

Section
 179.1000 General
 179.2000 Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (430 ILCS 30/4(a) and 9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective APR 30 1996.

Section 179.2000 Incorporation By Reference of 49 CFR 179

a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1994; as amended at 60 FR 49048, September 21, 1995 ~~October-17-1992~~ as amended at 58 FR-592247-September-24-1993, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1 General
 179.2 Definitions and abbreviations
 179.5 Certificate of Construction
 179.6 Repairs and alterations
 179.7 Quality Assurance Program
 179.10 Tank mounting
 179.11 Welding certification
 179.12 Interior heater systems
 179.16 Tank-head puncture-resistance systems
 179.18 Thermal protection systems
 179.20 Service equipment, protection systems

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179.22 Marking
 179.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (Classes DOT-106A and 110AW).
 179.301 Individual specification requirements for multi-unit tank car tanks.

b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part:

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.
- 4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

(Source: Amended at 20 Ill. Reg. 6577, effective APR 30 1996)

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Number: 85.10
Emergency Action:
Amended
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].
- 5) Effective Date of Amendments: April 30, 1996
- 6) If this is emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: April 30, 1996

8) Reason for the Emergency: Early in 1996, Russia announced that they would halt the importation of poultry and poultry products from the United States because the U.S. inspection of poultry did not meet the inspection standards of Russia. Russia has agreed to continue the importation of U.S. poultry and poultry products if the state of origin can certify that there has been no occurrences of the following diseases within the past month: psittacosis (ornithosis); Newcastle disease; avian influenza; infectious encephalomyelitis; infectious laryngotracheitis; or paramyxovirus infection. The first three diseases on the list currently appear on the list of reportable diseases in Illinois and are currently known not to be in the State. The last three are not currently on the reportable diseases list. Including these three diseases would enable the State Veterinarian to sign the certification required by Russia for the importation of poultry and poultry products. Without this emergency rulemaking, Illinois poultry producers will be unable to sell their product to Russia, thus creating an economic hardship for them. There are currently 12 producers of turkeys in the Southern Illinois area that are selling to Russia.

9) A Complete Description of the Subjects and Issues Involved: Section 85.10 is being amended by adding the following three diseases to the Reportable Diseases Section of this Part: infectious encephalomyelitis; infectious laryngotracheitis; and paramyxovirus infection.

10) Are there any proposed amendments pending to this Part? No

11) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

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NOTICE OF EMERGENCY AMENDMENTS

- 12) Information and questions regarding this adopted amendment shall be directed to:

Dr. Richard Hull
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
(217) 782-4944
FAX: (217) 524-7702

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85

DISEASED ANIMALS

Section

- 85.5 Definitions
- 85.7 Incorporation by Reference
- 85.10 Reportable Diseases
- EMERGENCY
- 85.15 Truck Cleaning and Disinfection
- 85.20 Disposal of Sick, Diseased, or Crippled Animals at Stockyards
- 85.25 Sale of Livestock Quarantined Because of Disease
- 85.30 Identification Ear Tags for Livestock
- 85.35 Identification Tags Not to be Removed
- 85.40 Livestock for Immediate Slaughter Not to be Diverted En Route
- 85.45 Anthrax
- 85.50 Goats
- 85.55 Scrapie in Sheep
- 85.60 Bluetongue
- 85.65 Sheep Foot Rot (Repealed)
- 85.70 Cattle Scabies
- 85.75 Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
- 85.80 Sheep
- 85.85 Diseased Animals
- 85.90 Copy of Health Certificate Shall Be Furnished
- 85.95 Requests for Permits
- 85.100 Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers
- 85.105 Obligation of Transportation Company and Truck Operators
- 85.110 Additional Requirements on Cattle From Designated States
- 85.115 Salmonella enteritidis serotype enteritidis
- 85.120 Cervidae
- 85.125 Ratites
- 85.130 Vesicular Stomatitis

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24,

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; emergency expired January 12, 1994; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 6, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days.

Section 85.10 Reportable Diseases

EMERGENCY

- a) Suspected cases of the following diseases shall be reported immediately to the Department:

anthrax
 avian influenza
 bluetongue
 brucellosis -- bovine, swine, equine, and caprine
 contagious equine metritis
 equine infectious anemia
 equine viral encephalitis
 fowl typhoid
 hog cholera
 infectious encephalomyelitis
 infectious laryngotracheitis
 Mycoplasma gallisepticum -- turkeys
 Mycoplasma synoviae -- turkeys
 Newcastle disease
 Paramyxovirus infection
 paratuberculosis - (Johne's disease)
 piroplasmosis
 pseudorabies -- (Aujeszky's disease)
 psittacosis - (ornithosis)
 pullorum disease
 rabies
 salmonella enteritidis -- poultry
 salmonella typhimurium -- poultry
 scabies -- cattle and sheep
 scrapie

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- tuberculosis -- bovine
vesicular conditions of any type
any contagious or infectious disease presently considered as
"exotic", i.e., not known to exist in the United States
- b) Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.
- c) Reports of any of the above diseases shall be made to the Department, telephone 217/782-4944.

(Source: Emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

Heading of the Part: State Administration of the Federal Community Development
Block Grant Program for Small Cities

Code Citation: 47 Ill Adm Code 110

Section Numbers: 110.50 110.94
110.95 110.100
110.101 110.102
110.103 110.104
110.104 110.110

Date Originally Published in the Illinois Register: 1/19/96
20 Ill Reg 947

At its meeting on April 23, 1996, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that, in accordance with Section 5-100(a) of the IAPA, the Department propose its rules in a more timely manner. This will ensure proper notification to the affected public and eliminate the possibility of the agency adhering to policy not specifically outlined by rule.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN RIGHTS

Heading of the Part: Procedural

Code Citation: 56 Ill Adm Code 2520

Date Originally Published in the Illinois Register: 3/29/96
20 Ill Reg 5084

At its meeting on April 23, 1996, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommends that DHR make every effort to commence its rulemaking activity in a more timely manner to avoid reliance on the emergency rulemaking process solely because of an agency created emergency.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill Adm Code 120

Section Numbers: 120.30
120.345
120.390

Date Originally Published in the Illinois Register: 10/6/95
19 Ill Reg 13797

At its meeting on March 26, 1996, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that, in the future, DPA appropriately depict in its Second Notice Analysis of Economic and Budgetary Effects the potential economic impact on persons affected by the rulemaking. In this rulemaking, the Department stated that there would be no economic impact, but later allowed that some affected individuals will experience positive effects and others negative effects.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

SECRETARY OF STATE

Heading of the Part: Revised Uniform Limited Partnership Act

Code Citation: 14 Ill Adm Code 170

Section Numbers: 170.40

Date Originally Published in the Illinois Register: 2/2/96

20 Ill Reg 1779

At its meeting on April 23, 1996, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Secretary of State seek legislation specifically empowering the Secretary to propound interrogatories to any limited partnership for purposes of monitoring compliance with the Revised Uniform Limited Partnership Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1) Heading of the Part: Cost Containment Form and Data Reporting Requirements

2) Code Citation: 50 Ill. Adm. Code 6602

3) Date of Index Department Review: April 29, 1996

4) Heading and Section Numbers of the Part being Recodified:

Section Numbers:

Heading:

6602.10

Purpose and Scope

6602.20

Recording Procedures

6602.Appendix A

General Submission Guidelines

6602.Appendix B

Reporting Periods, File Layouts and Record Formats

6602.Appendix C

Annual Reporting

6602.Appendix D

Semi-Annual Reporting

6602.Appendix E

General Coding Conventions - Premiums

6602.Appendix F

General Coding Conventions - Losses

6602.Appendix G

General Liability Class Codes

6602.Appendix H

Medical Malpractice Class/Class Groups

6602.Appendix I

Commercial Automobile Liability Class Groups - Excluding Personal Injury Protection (PIPs)

6602.Appendix J

Private Passenger Auto Classifications

6602.Appendix K

Business Owners Classifications

6602.Appendix L

Homeowner Classifications

6602.Appendix M

Special Classifications Applicable To Excess Insurance

Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers:

Heading:

4202.10

Purpose and Scope

4202.20

Recording Procedures

4202.Appendix A

General Submission Guidelines

4202.Appendix B

Reporting Periods, File Layouts and Record Formats

4202.Appendix C

Annual Reporting

4202.Appendix D

Semi-Annual Reporting

4202.Appendix E

General Coding Conventions - Premiums

4202.Appendix F

General Coding Conventions - Losses

4202.Appendix G

General Liability Class Codes

4202.Appendix H

Medical Malpractice Class/Class Groups

4202.Appendix I

Commercial Automobile Liability Class Groups - Excluding Personal Injury Protection (PIPs)

4202.Appendix J

Private Passenger Auto Classifications

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

4202.Appendix K Business Owners Classifications
 4202.Appendix L Homeowner Classifications
 4202.Appendix M Special Classifications Applicable To Excess Insurance

6) Conversion Table of Present and Recodified Parts:

Present Part: (Section Numbers)	Recodified Part: (Section Numbers)
------------------------------------	---------------------------------------

6602.10	4202.10
6602.20	4202.20
6602.Appendix A	4202.Appendix A
6602.Appendix B	4202.Appendix B
6602.Appendix C	4202.Appendix C
6602.Appendix D	4202.Appendix D
6602.Appendix E	4202.Appendix E
6602.Appendix F	4202.Appendix F
6602.Appendix G	4202.Appendix G
6602.Appendix H	4202.Appendix H
6602.Appendix I	4202.Appendix I
6602.Appendix J	4202.Appendix J
6602.Appendix K	4202.Appendix K
6602.Appendix L	4202.Appendix L
6602.Appendix M	4202.Appendix M

7) Agency Explanation: The Department is renumbering Part 6602 to Part 4202. Substantively, no changes are being made, the Department is simply moving this regulation to correspond to the statutory provisions which this rule implements. This Part implements the Insurance Cost Containment Act therefore, it belongs in Subchapter vv of the Illinois Insurance Code.

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1) Heading of the Part: Insurance Cost Containment Annual Fee

2) Code Citation: 50 Ill. Adm. Code 6601

3) Date of Index Department Review: April 29, 1996

4) Heading and Section Numbers of the Part being Recodified:

Section Numbers:	Heading:
6601.10	Purpose and Scope
6601.20	Annual Fee
Illustration A	Insurance Cost Containment Annual Fee Worksheet

5) Outline of the Section Numbers and Headings of the Part as recodified:

Section Numbers:	Headings:
4201.10	Purpose and Scope
4201.20	Annual Fee
Illustration A	Insurance Cost Containment Annual Fee Worksheet

6) Conversion Table of Present and Recodified Parts:

Present Part: (Section Numbers)	Recodified Part: (Section Numbers)
------------------------------------	---------------------------------------

6601.10	4201.10
6601.20	4201.20
Illustration A	Illustration A

7) Agency Explanation: The Department is renumbering Part 6601 to Part 4201. Substantively, there are no changes being made. The Department is simply moving this regulation to correspond to the statutory provisions which this rule implements. This Part implements the Insurance Cost Containment Act, therefore, it belongs in Subchapter vv of the Illinois Administrative Code.

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1) Heading of the Part: Internal Security Standard and Fidelity Bonds

2) Code Citation: 50 Ill. Adm. Code 5701

3) Date of Index Department Review: April 29, 1996

4) Heading and Section Numbers of the Part being Recodified:

<u>Section Numbers:</u>	<u>Heading:</u>
5701.5	Authority and Purpose
5701.10	Registration of Securities
5701.20	Custody, Care and Disposition of Securities
5701.30	Signature of Checks - Facsimile Signature
5701.40	Bank Balance Verification
5701.50	Bond Requirements

5) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5460.5	Authority and Purpose
5460.10	Registration of Securities
5460.20	Custody, Care and Disposition of Securities
5460.30	Signature of Checks - Facsimile Signature
5460.40	Bank Balance Verification
5460.50	Bond Requirements

6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u> (Section Numbers)	<u>Recodified Part:</u> (Section Numbers)
5701.5	5460.5
5701.10	5460.10
5701.20	5460.20
5701.30	5460.30
5701.40	5460.40
5701.50	5460.50

7) Agency Explanation: The Department is renumbering Part 5701 to Part 5460. Substantively, no changes are being

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

made. The Department is simply moving this regulation to correspond to the statutory provisions which this rule implements. This Part implements the Voluntary Health Service Plan Act and therefore belongs in Subchapter Kkk of the Illinois Administrative Code.

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1) Heading of the Part: Notice of Eligibility

2) Code Citation: 50 Ill. Adm. Code 6701

3) Date of Index Department Review: April 30, 1996

4) Heading and Section Numbers of the Part being Recodified:

<u>Section Numbers:</u>	<u>Heading:</u>
6701.10	Purpose and Scope
6701.20	Definitions
6701.30	Notice of Requirements
Exhibit A	Notice of Eligibility

5) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5301.10	Purpose and Scope
5301.20	Definitions
5301.30	Notice of Requirements
Exhibit A	Notice of Eligibility

6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u> (Section Numbers)	<u>Recodified Part:</u> (Section Numbers)
6701.10	5301.10
6701.20	5301.20
6701.30	5301.30
Exhibit A	Exhibit A

7) Agency Explanation: The Department is renumbering Part 6701 to Part 5301. Substantively, there are no changes being made. The Department is simply renumbering this regulation to correspond with the Department renumbering schematic.

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

1) Heading of the Part: Requirements

2) Code Citation: 50 Ill. Adm. Code 6201

3) Date of Index Department Review: April 30, 1996

4) Heading and Section Numbers of the Part being Recodified:

<u>Section Numbers:</u>	<u>Heading:</u>
6201.10	Authority and Scope
6201.20	Applications for Approval
6201.30	Examinations
6201.40	Benefit Schedule
6201.50	Solicitation and Advertising
6201.60	Investments
6201.70	Financial Statements
6201.75	Loss Reserve Discounting
6201.80	Liquidation
6201.90	Amendments to the Trust Instrument
6201.100	Pooling Among Several Trusts
6201.110	Administrators
6201.120	Severability
6201.130	Effective Date

5) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5601.10	Authority and Scope
5601.20	Applications for Approval
5601.30	Examinations
5601.40	Benefit Schedule
5601.50	Solicitation and Advertising
5601.60	Investments
5601.70	Financial Statements
5601.75	Loss Reserve Discounting
5601.80	Liquidation
5601.90	Amendments to the Trust Instrument
5601.100	Pooling Among Several Trusts
5601.110	Administrators
5601.120	Severability
5601.130	Effective Date

6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u> (Section Numbers)	<u>Recodified Part:</u> (Section Numbers)
6201.10	5601.10
6201.20	5601.20

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

6201.30
6201.40
6201.50
6201.60
6201.70
6201.75
6201.80
6201.80
6201.90
6201.100
6201.110
6201.120
6201.120
6201.130

- 7) Agency Explanation: The Department is renumbering Part 6201 to Part 5601. Substantively, there are no changes being made. The Department is simply moving this regulation to correspond to the statutory provisions which this rule implements. This Part implements the Religious and Charitable Risk Pooling Trust Act. Therefore, it belongs in Subchapter mmm of the Illinois Insurance Code.

DEPARTMENT OF AGRICULTURE

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Grain Code
- 2) Code Citation: 8 Ill. Adm. Code 281
- 3) Section Numbers: Main Authority Note
- 4) Date Proposal published in Illinois Register: January 5, 1996, 20 Ill. Reg. 1
- 5) Date Adoption published in Illinois Register: April 12, 1996, 20 Ill. Reg. 5499
- 6) Summary and Purpose of Expedited Correction: An inadvertent error was made in the ILCS reference for the Grain Code in the Authority Note.
- 7) Information and questions regarding this request shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
Illinois State Fairgrounds
Springfield, IL 62794-9281
Telephone: (217)785-5713

DEPARTMENT OF AGRICULTURE

REQUEST FOR EXPEDITED CORRECTION

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER k: GRAIN
PART 281
GRAIN CODE

Section	
281.10	Right of Examination and Working Conditions
281.20	Licensing: Application, Fees and Financial Ratios
281.30	Required Insurance
281.40	Required Records
281.50	Price Later Contracts
281.60	Warehouse Receipts
281.70	Types of Storage
281.80	Failure; Claims; Liquidation
281.90	Miscellaneous

AUTHORITY: Implementing and authorized by the Grain Code [240 ILCS 40].

SOURCE: Adopted at 20 Ill. Reg. 5499, effective April 1, 1996; expedited correction at 20 Ill. Reg. **6598**, effective April 1, 1996.

Section 281.10 Right of Examination and Working Conditions

Right of Examination and Working Conditions:

- a) The licensee shall permit the Department to examine all warehouse facilities, records or inventory without prior notice. The licensee shall provide reasonable access to records at the location where records are maintained and shall provide assistance requested to perform the examination. The licensee shall reasonably remove risks or hazards that may be encountered during an examination. The licensee shall provide the necessary assistance to any authorized representative of the Department for the safe measurement and sampling of the grain inventory.
- b) The licensee shall provide an acceptable work place at the location where the master books and records are maintained for any authorized representative of the Department to perform an examination.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 23, 1996 through April 29, 1996 and have been scheduled for review by the Committee at its May 21, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/6/96	Department of Public Health, Community Living Facilities Code (77 Ill Adm Code 370)	1/5/96 20 Ill Reg 187	5/21/96
6/6/96	Department of Public Health, Hospice Programs (77 Ill Adm Code 280)	1/5/96 20 Ill Reg 190	5/21/96
6/6/96	Department of Public Health, Illinois Home Health Agency Code (77 Ill Adm Code 245)	1/5/96 20 Ill Reg 214	5/21/96
6/6/96	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	1/5/96 20 Ill Reg 217	5/21/96
6/6/96	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	1/5/96 20 Ill Reg 220	5/21/96
6/6/96	Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395)	1/5/96 20 Ill Reg 223	5/21/96
6/6/96	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	1/5/96 20 Ill Reg 244	5/21/96
6/6/96	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	1/5/96 20 Ill Reg 247	5/21/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/6/96	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	1/5/96 20 Ill Reg 250	5/21/96
6/7/96	Department of State Police, Child Sex Offender Community Notification Law (20 Ill Adm Code 1282)	3/8/96 20 Ill Reg 4043	5/21/96
6/7/96	Department of State Police, Sex Offender Registration Act (20 Ill Adm Code 1280)	1/5/96 20 Ill Reg 253	5/21/96
6/7/96	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	3/1/96 20 Ill Reg 3791	5/21/96
6/7/96	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	2/9/96 20 Ill Reg 2336	5/21/96
6/9/96	Illinois Criminal Justice Information Authority, Operating Procedures for the Administration of Federal Funds (20 Ill Adm Code 1520)	2/16/96 20 Ill Reg 2645	5/21/96
6/9/96	Illinois Student Assistance Commission, Monetary Award Program (MAP) (23 Ill Adm Code 2735)	2/2/96 20 Ill Reg 1881	5/21/96
6/9/96	Illinois Student Assistance Commission, Robert C. Byrd Honors Scholarship Program (23 Ill Adm Code 2755)	2/2/96 20 Ill Reg 1898	5/21/96
6/9/96	Illinois Student Assistance Commission, State Scholar Program (23 Ill Adm Code 2760)	2/2/96 20 Ill Reg 1905	5/21/96
6/9/96	Illinois Student Assistance Commission, Merit Recognition Scholarship (MRS) Program (23 Ill Adm Code 2761)	2/2/96 20 Ill Reg 1869	5/21/96
6/9/96	Illinois Student Assistance Commission, Paul Douglas Teacher Scholarship Program (23 Ill Adm Code 2762)	2/2/96 20 Ill Reg 1892	5/21/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/9/96	Illinois Student Assistance Commission, Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill Adm Code 2763)	2/2/96 20 Ill Reg 1875	5/21/96
6/9/96	Illinois Student Assistance Commission, David A. DeBolt Teacher Shortage Scholarship Program (23 Ill Adm Code 2764)	2/2/96 20 Ill Reg 1796	5/21/96
6/9/96	Illinois Student Assistance Commission, Illinois Special Education Teacher Tuition Waiver Program (23 Ill Adm Code 2765)	2/2/96 20 Ill Reg 1848	5/21/96
6/9/96	Illinois Student Assistance Commission, Student To Student (STS) Program of Matching Grants (23 Ill Adm Code 2770)	2/2/96 20 Ill Reg 1914	5/21/96
6/9/96	Illinois Student Assistance Commission, College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill Adm Code 2771)	2/2/96 20 Ill Reg 1791	5/21/96
6/12/96	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	3/15/96 20 Ill Reg 4091	5/21/96
6/12/96	Illinois Student Assistance Commission, General Provisions (23 Ill Adm Code 2700)	2/2/96 20 Ill Reg 1824	5/21/96
6/12/96	Illinois Student Assistance Commission, Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)	2/2/96 20 Ill Reg 1802	5/21/96
6/12/96	Illinois Student Assistance Commission, Illinois National Guard Grant Program (23 Ill Adm Code 2730)	2/2/96 20 Ill Reg 1841	5/21/96
6/12/96	Illinois Student Assistance Commission, Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)	2/2/96 20 Ill Reg 1854	5/21/96
6/12/96	Illinois Student Assistance Commission, Limitation, Suspension and Termination Proceedings (23 Ill Adm Code 2790)	2/2/96 20 Ill Reg 1860	5/21/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

6/12/96	SECOND NOTICES RECEIVED	3/15/96	5/21/96
	Environmental Protection Agency,	20 Ill Reg	
	Procedures to be Followed in the	4100	
	Performance of Annual Inspections of		
	Motor Vehicle Exhaust Emissions (35 Ill		
	Adm Code 276)		
6/12/96	Department of Mental Health and	10/6/95	5/21/96
	Developmental Disabilities,	19 Ill Reg	
	Administration (59 Ill Adm Code 101)	13714	

PROCLAMATION

96-160

DISASTER AREAS-CHAMPAIGN AND MACON COUNTIES

Tornadoes and severe thunderstorms occurring on April 18, 1996 and April 19, 1996, which were part of a severe weather system that moved across central Illinois, inflicted heavy damage in Ogden and Urbana in Champaign county and in Decatur and Hartstown in Macon County. The tornadoes have caused extensive damage to homes, businesses, farms and public property in these communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the storm system, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Champaign and Macon counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal Assistance.

Issued by the Governor April 20, 1996.

Filed by the Secretary of State April 20, 1996.

96-161

DISASTER AREAS-HENRY, LAKE AND MARION COUNTIES

Tornadoes and severe thunderstorms occurring on April 18, 1996 and on April 19, 1996, which were part of a severe weather system that moved across central Illinois, inflicted heavy damage in Henry, Lake and Marion counties. The tornadoes have caused extensive damage to homes, businesses, farms, and public property in these communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Henry, Lake and Marion counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor April 22, 1996.

Filed by the Secretary of State April 22, 1996.

96-162

ARMENIAN MARTYRS DAY

Whereas, the Armenian community is commemorating the 81st Anniversary of the Armenian Genocide; and

Whereas, 81 years ago Armenians were forced to witness the genocide of their relatives and the loss of their ancestral homelands. The extermination of 1.5 million Armenians and the forced deportation of countless others by Ottoman Turks between the years 1915 and 1923 is remembered every year; and

Whereas, Ancestral Armenian lands have not been returned to the Armenian people; and

Whereas, the Armenians continue to be a people full of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, the Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

Whereas, Armenian-Americans have been forthright in their efforts to preserve their culture, heritage and language;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24, 1996, as **ARMENIAN MARTYRS DAY** in Illinois in remembrance of the 81st Anniversary of the Armenian Genocide.

Issued by the Governor April 16, 1996.

Filed by the Secretary of State April 26, 1996.

96-163

KANKAKEE COUNTY BOARD OF HEALTH CONGRATULATED ON ITS 10TH ANNIVERSARY

"Really believe in your heart of hearts that your

fundamental purpose, your reason for being, is to enlarge the lives of others. Your life will be enlarged also. And all of the other things we have been taught to concentrate on will take care of themselves."

--Pete Thigpen, quoted in Credibility

by James M. Kouzes and Barry Z. Posner

Whereas, the Kankakee County Board of Health provides effective leadership for the citizens of Kankakee County through its oversight of the activities of the Kankakee County Health Department; and

Whereas, through its actions, the Kankakee County Board of Health promotes the core public health functions of assessment, policy development, and assurance; and

Whereas, the effectiveness of the public health strategies and tactics developed by the Kankakee Board of Health have a direct and positive impact on the citizens of Kankakee County in areas such as decreased infant mortality, increased levels of childhood immunization, low levels of food-borne illness, and a generally healthier population; and

Whereas, through the success of its activities, the Kankakee County Board of Health has enlarged the lives of all residents which it serves; and

Whereas, the Kankakee County Board of Health is celebrating its 10th anniversary with a reception held today, April 16, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do congratulate the members of the Kankakee County Board of Health, the administrators and staff of the Kankakee County Health Department, and the citizens of Kankakee County on the occasion of this important anniversary, and

wish them the best of success in all future endeavors.

Issued by the Governor April 16, 1996.

Filed by the Secretary of State April 26, 1996.

96-164

MARINE CORPS LEAGUE WEEK

Whereas, the Collier-Harrison Detachment Marine Corps League is hosting the 52nd Annual State Convention of the Department of Illinois Marine Corps League on June 20-23, 1996; and

Whereas, the Marine Corps League holds sacred the history of these men who have given their lives for the principles of freedom; and

Whereas, the Marine Corps League fully concurs in the principles of readiness to fight for our freedom and the freedom of the United States of America;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16-23, 1996, as **MARINE CORPS LEAGUE WEEK** in Illinois and request and encourage all citizens to show a friendly spirit of cooperation to all the former and active duty Marines.

Issued by the Governor April 16, 1996.

Filed by the Secretary of State April 26, 1996.

96-165

PEKIN INSURANCE DAY

Whereas, Pekin Insurance stands as a fiscally sound and successful business organization that has prospered through its many years of existence; and

Whereas, the Pekin Insurance organization currently has more than 1,000 independent agencies with 5,000 licensed insurance producers who represent the company; and

Whereas, Pekin Insurance currently employs over 755 people in the areas they serve; and

Whereas, Pekin Insurance is celebrating its 75th anniversary; and
Whereas, it is right and proper to commend this organization for its hard work and dedication over the decades;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 17, 1996, as **PEKIN INSURANCE DAY** in Illinois in honor of their accomplishments and service to the community and offer my best wishes for continued success on behalf of the citizens of Illinois.

Issued by the Governor April 16, 1996.

Filed by the Secretary of State April 26, 1996.

96-166

ALLEN "BUD" SPENCER DAY

Whereas, Allen "Bud" Spencer has sacrificed much for his community and country and his lifetime records a number of achievements; and

Whereas, Mr. Spencer served in World War II as a tank commander and platoon leader in the 745th Tank Battalion of the First Infantry Division, "The Big Red One;" and

Whereas, Mr. Spencer was awarded the Silver Star, two Bronze Stars,

Purple Heart, and a Battle Field Commission; and

Whereas, Mr. Spencer owned and operated Spencer's Insurance until his retirement in 1983; and

Whereas, Mr. Spencer was elected a director of Marseilles Building and Loan in 1969, elected Vice President in 1973, and President and Chairman of the Board in 1976; and

Whereas, this year marks the 25th year that Mr. Spencer has been a director of Twin Oaks Savings Bank; and

Whereas, it is right and proper that he be commended for his hard work and dedication throughout his lifetime;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1996, as ALLEN "BUD" SPENCER DAY in Illinois in honor of his achievements and offer my best wishes for continued success on behalf of the citizens of this state.

Issued by the Governor April 17, 1996.

Filed by the Secretary of State April 26, 1996.

96-167

CHICAGO ACADEMY FOR THE ARTS BENEFIT DAY

Whereas, this spring marks the 15th anniversary for the Chicago Academy for the Arts; and

Whereas, at their annual Spring Benefit, the Chicago Academy for the Arts will be honoring Bobby Short, Brian Dennehy and the Joffrey Ballet's Gerald Arpino for their contributions to the arts; and

Whereas, the Chicago Academy for the Arts has long been recognized as a breeding ground for local talent in the performing arts and is one of only five schools of its kind in the country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19, 1996, as CHICAGO ACADEMY FOR THE ARTS SPRING BENEFIT DAY in Illinois and urge all citizens to show their support.

Issued by the Governor April 17, 1996.

Filed by the Secretary of State April 26, 1996.

96-168

GATEWAY FOUNDATION DAY

Whereas, the Gateway Foundation is a non-profit organization that has been providing treatment and prevention programs for alcohol and other drug abuse since 1968; and

Whereas, throughout the years, the Gateway Foundation has earned a national reputation for its effective programs and outstanding accomplishments in helping addicts return to the community as drug-free productive citizens; and

Whereas, last year, more than 16,000 people were helped through Gateway's treatment programs while nearly 21,000 children and adults participated in Gateway's prevention programs; and

Whereas, the Gateway Foundation serves people at 44 sites throughout Illinois; and

Whereas, each year, the Gateway Foundation recognizes citizens and various groups for their hard work and dedication to their cause; and

Whereas, this year, Winston and Strawn will receive the Community Service

award for their contributions to help those in need of treatment and prevention programs and Ramsey Lewis will be honored as Citizen of the Year for his dedication to Gateway's mission;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7, 1996, as GATEWAY FOUNDATION DAY in Illinois in honor of their dedication to the citizens of this state and offer my best wishes for continued success.

Issued by the Governor April 17, 1996.

Filed by the Secretary of State April 26, 1996.

96-169

PALMER HOUSE HILTON DAY

Whereas, the State of Illinois prides itself on its rich tradition of midwest hospitality offered to tourists from all over the world; and

Whereas, this hospitality is offered through its hotels, motels, and lodging facilities throughout the state; and

Whereas, the Palmer House Hilton, the longest continuously operating hotel in North America, is celebrating its historic quinquincentennial, 125th anniversary in 1996; and

Whereas, since 1871, this marvelous American hotel institution in Illinois has done an outstanding job for 125 years, acting as a role model of friendliness, courtesy and warmth to other hotels in the state; and

Whereas, in gratitude for this leadership role, the state of Illinois and its citizens extend a big thank you to the Palmer House Hilton for spreading the word of Illinois' welcome spirit;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 30, 1996, as PALMER HOUSE HILTON DAY in Illinois in honor of their 125th anniversary and offer my best wishes for continued success on behalf of the citizens of this state.

Issued by the Governor April 17, 1996.

Filed by the Secretary of State April 26, 1996.

96-170

TELECOMMUNICATOR WEEK

Whereas, public safety telecommunications, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and

Whereas, every hour of every day, telecommunications access, monitor and disseminate information of critical importance to the safety of public officials and success of public safety goals; and

Whereas, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 14-20, 1996, as TELECOMMUNICATOR WEEK in Illinois.

Issued by the Governor April 17, 1996.

Filed by the Secretary of State April 26, 1996.

96-171

FOSTER PARENT APPRECIATION MONTH

Whereas, to foster means to nourish, cherish and encourage, which is what foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and

Whereas, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, understanding, love, compassion, and health and educational services; and

Whereas, thousands of caring adults in Illinois have opened their hearts as well as their homes to more than 40,000 children; and

Whereas, their contributions to the welfare of these children are incalculable and irreplaceable;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1996 as *FOSTER PARENT APPRECIATION MONTH* in Illinois.

Issued by the Governor April 18, 1996.

Filed by the Secretary of State April 26, 1996.

96-172

YOUTH TEMPERANCE EDUCATION WEEK

Whereas, alcoholism is one of America's foremost drug problems, affecting both adults and children, some before they reach their teen years; and

Whereas, we need to teach our youth the facts about the negative effects of alcohol and other narcotic drugs on their physical, mental, and spiritual well-being; and

Whereas, the Illinois and National Women's Christian Temperance Union are sponsoring Youth Temperance Education Week April 21-27 to promote better living that is free from alcohol, other narcotics, and tobacco to ensure a stronger nation, happier homes, and safer highways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21-27, 1996, as *YOUTH TEMPERANCE EDUCATION WEEK* in Illinois.

Issued by the Governor April 18, 1996.

Filed by the Secretary of State April 26, 1996.

96-173

CHRISTIAN HERITAGE WEEK

Whereas, religious holidays, festivals, and celebrations add to the cultural mosaic of our state; and

Whereas, churches are a functional part of the communities in our state, often providing charitable assistance to our citizens; and

Whereas, Thanksgiving week is an appropriate time to center attention on the religious heritage of our state and nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as *CHRISTIAN HERITAGE WEEK* in Illinois.

Issued by the Governor April 19, 1996.

Filed by the Secretary of State April 26, 1996.

96-174

SAFE KIDS AMERICA WEEK/SAFE KIDS AMERICA

Whereas, each year, more than 300 Illinois children, younger than 15 years of age, die from unintentional injuries; and

Whereas, each year, more than 5,000 Illinois children younger than age 15

are injured severely enough to be admitted to Illinois trauma centers; and Whereas, these tragic injuries, so-called "accidents," are often predictable and preventable; and

Whereas, the National *SAFE KIDS* Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology, and raising awareness through the media; and

Whereas, the National *SAFE KIDS* Campaign, with the backing of Johnson & Johnson, has launched *SAFE KIDS AMERICA*, an unprecedented initiative to unite forces with state and local *SAFE KIDS* coalitions and other childhood injury prevention activists to disseminate vital child safety information to countless homes; and

Whereas, the Illinois *SAFE KIDS* Coalition, coordinated by the Illinois Department of Public Health, is a cooperative effort between the National *SAFE KIDS* Campaign, local health departments, hospitals, law enforcement, fire departments and other state agencies; and

Whereas, First Lady Brenda Edgar is the 1996 Illinois *SAFE KIDS* Coalition Honorary Chairperson; and

Whereas, communities throughout Illinois will hold special childhood injury prevention activities during *SAFE KIDS* Week, May 4-11, 1996, to promote increased child safety;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4-11, 1996, as *SAFE KIDS AMERICA WEEK* in Illinois and encourage all citizens to join me in supporting the efforts and activities of *SAFE KIDS AMERICA* to prevent childhood injuries.

Issued by the Governor April 19, 1996.

Filed by the Secretary of State April 26, 1996.

96-175

STUDENT COUNCIL WEEK

Whereas, student councils across our state encourage students to take on a leadership role among their peers and help them develop skills to prepare for future success; and

Whereas, extra-curricular activities such as student council allow students to maintain an adequate balance between academics and out-of-classroom experiences; and

Whereas, many leaders within our state and nation can trace their roots back to student council throughout their schooling; and

Whereas, the Illinois Association of Student Councils (IASC), working to maintain the integrity of student councils across our state, is holding a convention May 2-4, 1996; and

Whereas, this convention allows student leaders from across the state of Illinois to exchange ideas and experience leadership training; and

Whereas, students leaders, in addition to the IASC, should be commended for their continued hard work and efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28-May 4, 1996, as *STUDENT COUNCIL WEEK* in Illinois.

Issued by the Governor April 19, 1996.

Filed by the Secretary of State April 26, 1996.

96-176

CHRISTMAS IN APRIL*METRO CHICAGO WEEK

Whereas, Christmas in April is a nationwide, one-day project that brings together skilled labor and volunteers to rehabilitate single family dwellings of elderly, disabled and low income individuals; and

Whereas, Christmas in April was started in 1973 in Midland, Texas, by citizens who wanted to make a difference in their communities; and

Whereas, the program went national in 1988 and has grown to 137 affiliates, affecting 380 cities/towns in 40 states across the United States; and

Whereas, Chicago is the largest metropolitan area to participate in this progress; and

Whereas, this event is held on the last Saturday in April, this year on April 27, which is also National Rebuilding Day; and

Whereas, 1996 marks the 5th Anniversary of Christmas in April*Metro Chicago; and

Whereas, since 1991 Christmas in April*Metro Chicago and its 1,500 volunteers and sponsors have successfully completed more than \$5 million in repairs to the homes of 101 Chicago and suburban Cook County families; and

Whereas, this year Christmas in April*Metro Chicago will repair 44 homes in Chicago and suburban Cook County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21-27, 1996, as *CHRISTMAS IN APRIL*METRO CHICAGO WEEK* in Illinois and urge all citizens to participate in this worthy program.

Issued by the Governor April 22, 1996.

Filed by the Secretary of State April 26, 1996.

96-177

GENE R. ALEXANDER DAY

Whereas, Gene R. Alexander is a native of Benton; and

Whereas, he served in the U.S. Army for two years after he graduated from high school and later earned a bachelor's degree in education from Southern Illinois University; and

Whereas, he returned to the Benton School System as a teacher and earned his master's degree in education at the same time; and

Whereas, Gene R. Alexander has given almost 40 years of service to the Benton Elementary School District and to his community. He was a dedicated teacher for 32 years and has unfaithfully volunteered for the past six years of his retirement; and

Whereas, Gene R. Alexander often substitutes for secretaries who need time off, reads to groups of students, removes litter from playgrounds and helps school staff in a variety of other ways; and

Whereas, in honor of his service and dedication, Benton Elementary School will rename its library the "Gene R. Alexander Learning Resource Center;" and will hold a dedication ceremony on April 25;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1996, as *GENE R. ALEXANDER DAY* in Illinois in recognition and appreciation of his hard work and dedication to the students in Benton.

Issued by the Governor April 22, 1996.

Filed by the Secretary of State April 26, 1996.

96-178

PUBLIC SERVICE RECOGNITION DAY

Whereas, 200 million Americans are served every day by public employees providing a wide range of services; and

Whereas, public employees take not just jobs but oaths; and

Whereas, public employees risk their lives each day for the sake of the people of the United States whom they serve, whether they are police officers, firefighters, border patrol officers, embassy employees, military personnel, health care professionals, or others whose jobs require great risk; and

Whereas, public employees include the teachers in our schools; nurses to administer vaccines; computer technicians to pay out Social Security and Veterans' benefits, unemployment checks, and food stamps; safety inspectors for power plants, mines, and airplanes; food inspectors who guarantee the safety of our grocery purchases; laborers who maintain our roads and bridges; transportation employees who get us safely to our destinations via bus or train; and all the other people who provide the myriad services demanded by the American people of their government; and

Whereas, to pay for the high quality of these services, Americans have one of the lowest tax rates in the world; and

Whereas, without these government employees at every level there could be no continuity in a democracy such as ours, which regularly changes its leaders and elected officials;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8, 1996, as *PUBLIC SERVICE RECOGNITION DAY* in Illinois in recognition of the accomplishments and contributions of government employees at all levels. Issued by the Governor April 22, 1996.

Filed by the Secretary of State April 26, 1996.

Rules acted upon during the quarter of April 1 through June 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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